

Extra Ordinary Part – V / 2016

Extra No.	Date	Department
Extra No.1	18-02-2016	Other
Extra No.2	18-02-2016	Other
Extra No.3	18-02-2016	Other
Extra No.4	22-02-2016	Other
Extra No.5	22-02-2016	Other
Extra No.6	25-02-2016	Other
Extra No.7	25-02-2016	Other
Extra No.8	25-02-2016	Other
Extra No.9	25-02-2016	Other
Extra No.10	25-02-2016	Other
Extra No.11	25-02-2016	Other
Extra No.12	25-02-2016	Other
Extra No.13	25-02-2016	Other
Extra No.14	25-02-2016	Other
Extra No.15	25-02-2016	Other
Extra No.16	25-02-2016	Other
Extra No.17	02-03-2016	Other
Extra No.18	02-03-2016	Other
Extra No.19	10-03-2016	Other
Extra No.20	10-03-2016	Other
Extra No.21	10-03-2016	Other
Extra No.22	10-03-2016	Other
Extra No.23	19-03-2016	Other

Extra No.	Date	Department
Extra No.24	19-03-2016	Other
Extra No.25	19-03-2016	Other
Extra No.26	19-03-2016	Other
Extra No.27	21-03-2016	Other
Extra No.28	22-03-2016	Other
Extra No.29	28-03-2016	Other
Extra No.30	29-03-2016	Other
Extra No.31	16-08-2016	Other
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Extra No.33	16-08-2016	Other



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PART V

Bills introduced in the Gujarat Legislative Assembly

Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT STAMP (AMENDMENT) BILL, 2016.

GUJARAT BILL NO. 1 OF 2016.

A BILL

further to amend the Gujarat Stamp Act, 1958.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Stamp (Amendment) Act, 2016 Short title.

Amendment of section 17 of Bom. LX of 1958. 2. In the Gujarat Stamp Act, 1958, (hereinafter referred to as "the principal Act"), in section 17, after the existing proviso, the following proviso shall be added, namely:-

"Provided further that the instrument, so far as it relates to reconstruction or amalgamation of companies by an order of the High Court under section 394 of the Companies Act, 1956 shall be stamped within 1 of 1956. thirty days from the date of the order of the High Court."

Amendment of section 53 of Bom. LX of 1958. 3. In the principal Act, in section 53, in sub-section (1), to clause (a), the following proviso shall be inserted, namely:-

"Provided that if the Chief Controlling Revenue Authority is satisfied that such person was prevented for sufficient reasons from presenting the application within the period specified above, he may allow such person to present the application within a further period of ninety days on payment of non-refundable amount of rupees one thousand for every thirty days or part thereof."

STATEMENT OF OBJECTS AND REASONS

Section 17 of the Gujarat Stamp Act, 1958, *inter alia* provides that all the instruments chargeable with duty and executed by any person in the State shall be stamped before or at the time of execution or immediately thereafter on the next working day following the day of execution. Now, every order made by the High Court under section 394 of the Companies Act, 1956 in respect of reconstruction or amalgamation of companies is a conveyance under section 2(g) of the said Act and that being so provisions of section 17 are also applicable to such conveyance and therefore companies are required to get such order of the High Court stamped at least on the next working day. However, since the order of the High Court is not available on the very day on which such order is passed by the High Court and it takes some time for obtaining the copy of the order of the High Court, it is difficult for the companies to adhere the time limit for getting the order of the High Court stamped and therefore they become liable to pay the penalty. As such it is proposed to insert a proviso in section 17 to the effect that the companies shall be required to get such order of the High Court stamped within 30 days from the date of receipt of the order of the High Court.

Section 53 of the said Act, *inter alia* provides that the powers as enumerated in the said section to be exercised by the Collector shall be subject to the control of the Chief Controlling Revenue Authority and that

making an application to him against order of the Collector if the Authority is satisfied that the applicant was prevented in making the application for sufficient reason. An amendment to the said effect is proposed in section 53 of the said Act.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Dated the 18th February, 2016.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar

C. J. Gothi,

Dated the 18th February, 2016

Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT LAND REVENUE (AMENDMENT) BILL, 2016.

GUJARAT BILL NO. 2 OF 2016.

A BILL

further to amend the Gujarat Land Revenue Code, 1879.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Land Revenue (Amendment) Act, 2016. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

- Amendment of section 48 of Bom. V of 1879.** 2. In the Gujarat Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 48,-
 (1) in sub-section (1), for clause (e), the following clause shall be substituted, namely:-
 "(e) for any other purpose or for other different non-agricultural purposes."; **Bom. V of 1879.**
 (2) in sub-section (2), for the words "any other purpose, or is used for any other purpose", the words "any other purpose or purposes, or is used for any other purpose or different purposes" shall be substituted;
 (3) in sub-section (3), after the words "any other purpose", the words "or different purposes" shall be inserted.
- Amendment of section 65 of Bom. V of 1879.** 3. In the principal Act, in section 65,-
 (i) in sub-section (1), in the paragraph one, after the words "any other purpose", the words "or for other different purposes" shall be inserted;
 (ii) in the marginal note of paragraph one, after the words "any other purpose", the words "or for other different non-agricultural purposes" shall be added.
- Amendment of section 65A of Bom. V of 1879.** 4. In the principal Act, in section 65A,-
 (i) after the words "any other non-agricultural purpose", the words "or for other different non-agricultural purposes" shall be inserted;
 (ii) in the marginal note, after the words "another non-agricultural purpose", the words "or for other different non-agricultural purposes" shall be added.
- Amendment of section 65B of Bom. V of 1879.** 5. In the principal Act, in section 65B, in sub-section (1), in clause (b), in sub-clause (I), in paragraph (b), in the second proviso to item (vi), for the words "State Government may exempt, by notification in the *Official Gazette*", the words "Collector may exempt" shall be substituted.
- Amendment of section 67A of Bom. V of 1879.** 6. In the principal Act, in section 67A,-
 (1) in sub-section (1),-
 (i) in clause (a), after the words "for any other purpose", the words "or for other different purposes" shall be inserted;
 (ii) in clause (b), after the words "for any other purpose", the words "or for other different purposes" shall be inserted;

(2) in sub-section (2),-

- (i) after the words “non-agricultural purpose”, wherever they occur, the words “or other different non-agricultural purposes” shall be inserted;
- (ii) in clause (b), for the words, brackets and figures “in column (3) or (4)”, the words, brackets and figures “in column (3) or (4) or (5)” shall be substituted;

(3) in sub-section (2A),-

- (i) after the words “non-agricultural purpose” wherever they occur, the words “or other different non-agricultural purposes” shall be inserted;
- (ii) for the words “column of the Table below”, the words, brackets and figures “column (3) or (5) of the Table below” shall be substituted;

(4) in sub-section (3), for the existing Table, the following shall be substituted. namely:-

No.	situated	when land is to be used for temporary non-agricultural purpose or for residential purpose or for charitable purpose.	when land is to be used for industrial purpose or for any other purpose.	when land is to be used for other different non-agricultural purposes.
1	2	3	4	5
1.	Villages, Municipal boroughs, notified areas and cities having population not exceeding one lakh as per the last census.	Rs. 2.00	Rs. 6.00	Rs. 8.00
2.	Municipal boroughs, notified areas and cities with a population exceeding one lakh as per the last census.	Rs. 10.00	Rs. 30.00	Rs. 40.00”.

STATEMENT OF OBJECTS AND REASONS

Section 65 of the Gujarat Land Revenue Code, 1879 *inter alia* provides for the procedure where the occupant wishes to apply his agricultural land to any other purpose. Section 65A of the said Act, *inter alia* provides for the procedure in case where the occupant wishes to apply his land from one non-agricultural purpose to another non-agricultural purpose. It has been experienced that at present whenever the occupant wishes to change the purpose of his non-agricultural land to another non-agricultural purpose, he is required to undergo the same procedure as provided in section 65 and as a result of which the occupant faces many difficulties as also much delay is caused in obtaining permission for the use of land for another non-agricultural purpose. To obviate this, it is proposed to amend the provisions of section 65 of the said Act providing thereby granting permission for use of agricultural land into more than one different non-agricultural purposes and similarly, it is also proposed to amend the provisions of section 65A providing thereby granting permission for use of non-agricultural land into more than one different non-agricultural purposes. This would result into the simplification of the procedure for changing the purpose of the use of the land and lessen the difficulties of the occupant.

Section 65B of the said Act, which relates to the use of certain lands for *bonafide* industrial purpose, empowers the State Government to exempt the use of land for *bonafide* industrial purpose for the fulfillment of the condition with regard to the land being not situated within five kilometers of the *periphery* of the area within the jurisdiction of any development authority constituted under the Gujarat Town Planning and Urban Development Act, 1976. It is proposed to amend section 65B so as to entrust such powers of exemption to the Collector. Certain consequential amendments have also been carried out.

Section 67A of the said Act provides for the payment of conversion tax by occupant for change of use of land in certain areas. Since non-agricultural permission is proposed to be given for more than one non-agricultural purposes, as also the rates of existing conversion tax are proposed to be enhanced, the existing table is proposed to be substituted.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

Dated the 18th February, 2016.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 18th February, 2016

C. J. Gothi,

Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT ELECTRICITY DUTY (AMENDMENT) BILL, 2016.

GUJARAT BILL NO. 3 OF 2016.

A BILL

further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Electricity Duty (Amendment) Act, 2016.

Short title.

Bom. XL
of 1958.

2. In the Gujarat Electricity Duty Act, 1958 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (2), for clause (v-a), the following clause shall be substituted, namely:-

Amendment
of section 3
of Bom. XL
of 1958.

“(v-a) where the energy is generated by any non-conventional or renewable source of energy as the State Government may, by notification in the *Official Gazette*, specify in this behalf;”.

STATEMENT OF OBJECTS AND REASONS

Clause (v-a) of sub-section (2) of section 3 of the Gujarat Electricity Duty Act, 1958 provides for the exemption from electricity duty where the energy is generated by solar, wind or biomass energy. However in the recent times it has been found that the energy is generated not only through the non-conventional or the renewable sources like solar wind or bio-mass energy, but energy is now also generated through other non-conventional and renewable sources like hydel energy, waste-to-energy, geo-thermal energy, tidal energy, etc. It is not only in the State interest but is also in the national interest that energy is being generated through such more and more non-conventional and renewable sources and for that it is considered necessary to encourage the production of more and more of such energy. Therefore, it is proposed to amend the aforesaid provision of the said Act suitably for empowering the Government to specify by notification in the *Official Gazette*, as to which energy would be considered as non-conventional or renewable energy so as to exempt the same from payment of electricity duty.

This Bill seeks to amend the said Act to achieve the aforesaid object.

SAURABH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respect:-

Clause 2.- Clause (v-a) of sub-section (2) of section 3 of the Act proposed to be substituted by this clause empowers the State Government to specify, by notification in the *Official Gazette*, as to which energy would be considered as non-conventional or renewable sources of energy .

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 18th February, 2016.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat,

Dated the 18th February, 2016

Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE REGISTRATION (GUJARAT AMENDMENT) BILL, 2016.

further to amend the Registration Act, 1908 in its application to the State of Gujarat.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Registration (Gujarat Amendment) Act, 2016.

Short title
and
commencement.

(2) It shall come into force at once.

XVI of 1908. 2. In the Registration Act, 1908, in its application to the State of Gujarat, in section 17, in sub-section (1), after clause (g), the following clauses shall be added, namely:-

Amendment
of section 17
of XVI of
1908.

- “(h) any instrument authorising the promoter or the developer, by whatever name called, for construction of or development of, or transfer or assignment of, any immovable property;
- (i) agreement relating to the constitution of partnership where any partner or partners bring his or their share by way of immovable property;
- (j) any instrument by which any immovable property is taken as his share on dissolution of the partnership by any of the partners other than a partner who brought that property as his share to the partnership.”.

STATEMENT OF OBJECTS AND REASONS

Section 17 of the Registration Act, 1908, which is a Central Act, provides for the compulsory registration of the documents as are enumerated in the said section. At present, it is not compulsory for the promoter or the developer to compulsory register the instrument by which they are authorised or any immovable property is transferred by them. It is considered necessary to make this kind of instrument compulsorily registrable, so that there will be a public record in that regard and help to prevent the financial irregularities.

Similarly, the instrument relating to constitution of partnership is also not required to be registered compulsorily. Also the instrument by which any immovable property is taken as his share on dissolution of partnership by any of the partners other than a partner who brought their property as his share to the partnership is also not required to be compulsorily registered. It is considered necessary to make the registration of the above said instruments compulsory so that any transaction with regard to the immovable property gets registered.

This Bill seeks to amend the Registration Act, 1908 to achieve the aforesaid object.

Dated the 22nd February, 2016.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 22nd February, 2016

C. J. Gothi,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the

proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT (GUJARAT AMENDMENT) BILL, 2016.

GUJARAT BILL NO. 5 OF 2016.

A BILL

*further to amend the Right to Fair Compensation and Transparency in Land
Acquisition, Rehabilitation and Resettlement Act, 2013 in its application to
the State of Gujarat.*

It is hereby enacted in the Sixty-seventh Year of the Republic of
India as follows:-

- (1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Gujarat Amendment) Act, 2016. Short title
and
commencement
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of 30 of 2013. 2. In the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the principal Act”), in section 2, in sub-section (2), after the second proviso, the following proviso shall be inserted, namely:-

“Provided also that the acquisition of land for the projects listed in section 10A and the purposes specified therein shall be exempted from the provisions of the first proviso to this sub-section.”.

Insertion of new section 10A in 30 of 2013. 3. In the principal Act, after section 10, the following section shall be inserted, namely:-

Power of State Government to exempt certain projects.

“10A. The State Government may, in the public interest, by notification in the *Official Gazette*, exempt any of the following projects from the application of the provisions of Chapter II and Chapter III of this Act, namely:-

- (a) such projects vital to national security or defence of India and every part thereof, including preparation for defence or defence production;
- (b) rural infrastructure including electrification;
- (c) affordable housing and housing for the poor people;
- (d) industrial corridors set up by the State Government and its undertakings (in which case the land shall be acquired up to one kilometer on both sides of designated railway line or roads for such industrial corridor); and
- (e) infrastructure projects including projects under public-private partnership where the ownership of land continues to vest with the Government:

Provided that the State Government shall, before the issue of notification, ensure the extent of land for the proposed acquisition keeping in view the bare minimum land required for such project.”.

4. In the principal Act, after section 23, the following section shall be inserted, namely:-

Insertion of new section 23A in 30 of 2013.

Award of Collector without enquiry in case of agreement of interested persons.

“23A. (1) Notwithstanding anything contained in section 23, if at any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the State Government, he may, without making further enquiry, make an award according to the terms of such agreement.

(2) The determination of compensation for any land under sub-section (1) shall not in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

16 of 1908.

(3) Notwithstanding anything contained in the Registration Act, 1908, no agreement made under sub-section (1) shall be liable to registration.

5. In the principal Act, in section 24, in sub-section (2), after the existing proviso, the following proviso shall be inserted, namely:-

Amendment of section 24 of 30 of 2013.

“Provided further that in computing the period referred to in this sub-section, any period or periods during which the proceedings for acquisition of the land were held up on account of any stay or injunction issued by any court or the period specified in the award of a Tribunal for taking possession or such period where possession has been taken but the compensation is lying deposited in a court or in any designated account maintained for this purpose, shall be excluded.”.

6. In the principal Act, after section 31, the following section shall be inserted, namely:-

Insertion of new section 31A in 30 of 2013.

Payment of lump-sum amount by State Government for its linear nature projects.

“31A. Notwithstanding anything contained in this Act, it shall be competent for the State Government to pay, whenever the land is to

be acquired for its own use amounting to less than one hundred acres or whenever the land is to be acquired in case of projects which are linear in nature as referred to in proviso to sub-section (4) of section 10, as Rehabilitation and Resettlement cost, such *lump sum* amount equal to fifty per cent. of the amount of compensation as determined under section 27 to the affected families.”.

Amendment of section 40 of 30 of 2013. 7. In the principal Act, in section 40, in sub-section (2), after the words “approval of Parliament”, the words “or to comply with the directions given by the Central Government to the State Government” shall be added.

Amendment of section 46 of 30 of 2013. 8. In the principal Act, in section 46, in sub-section (6), in the *Explanation*, in clause (b), sub-clause (i) shall be deleted.

Substitution of section 87 of 30 of 2013. 9. In the principal Act, for section 87, the following section shall be substituted, namely:-

Offences by Government Officials. “87. Where any offence under this Act has been committed by any person who is or was employed in the Central Government or the State Government, as the case may be, at the time of commission of such alleged offence, the court shall take cognizance of such offence provided the procedure laid down in section 197 of the Code of Criminal Procedure, 1973 is followed.”. 2 of 1974.

STATEMENT OF OBJECTS AND REASONS

The Central Government has enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Gujarat is an industrially progressive State and more and more investment is coming to the State. The State Government aims to provide all basic facilities and infrastructure to the entrepreneurs. However, it has been experienced that after coming into force of the said Act which has very stringent provisions for acquiring the land, land acquisition has become a very lengthy and difficult proposition. It is, therefore, considered necessary to make the procedural part of the land acquisition smooth and easy without interfering with the rights of the persons whatsoever whose lands are acquired.

Accordingly, it is proposed to exempt certain projects from the application of the provisions of the Chapter II of the Act which relates to determination of social impact and public purpose as also from the provisions of Chapter III of the Act which relates to special provision to safeguard food security. These projects *inter alia* include the projects which are vital to national security or defence of India, rural infrastructure including electrification, affordable housing and housing for all.

~~Whereas in writing on the matters to be included in the award then the~~
Collector may without making further inquiry, make an award according to the terms of agreement. Section 24 (2) of the said Act provides that where an award under the old Act that is Land Acquisition Act, 1894 has been made five years or more prior to the commencement of the Act of 2013 but the physical possession of the land has not been taken or the compensation has not been paid, the said proceeding shall be deemed to have lapsed. It is proposed to insert a provision to the effect that for computing the said period of five years, any period or periods for which the acquisition of the land was held up on account of any stay or injunction of the court or such period where possession has been taken but the compensation has been lying deposited in any court for this purpose shall be excluded. It is also proposed to insert a provision to the effect that it would be competent for the State Government to pay where the land is to be acquired for its own use amounting to less than one hundred acres or where the land is to be acquired for projects which are linear in nature, such lump sum amount equal to fifty per cent. of the amount of compensation to the affected families as Rehabilitation and Resettlement cost.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 3.- New section 10A proposed to be inserted by this clause empowers the State Government to exempt, by notification in the *Official Gazette*, certain projects from the applications of Chapter II and Chapter III of the Act.

Clause 4.- New section 23A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the form in which the Collector shall make an award without inquiry where the persons interested have agreed to the matters to be included in the award.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 22nd February, 2016.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 22nd February, 2016

C. J. Gothi,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Extra No. 6

વાર્ષિક લવાજમનો દર રૂ. ૩૫૦૦/-



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 25th February, 2016 by
Shri Balvantsinh Rajput, M.L.A. is Published under rule 127-A of the
Gujarat Legislative Assembly rules for general information.

GUJARAT BILL NO. 6 OF 2016.

THE SMALL AND MARGINAL FARMERS (WELFARE) BILL, 2015

A BILL

*to provide for certain welfare measures for the small and marginal farmers of
the State and for the constitution of a welfare fund for their benefits and for
matters connected therewith and incidental thereto.*

It is hereby enacted in the Sixty-Seventh Year of the Republic of India as
follows:—

1. (1) This Act may be called the Gujarat Small and Marginal Farmers
(Welfare) Act, 2016.

Short title and
extent.

(2) It extends to the whole of the State of Gujarat.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “accident” means an accident caused to a farmer during the course of an agricultural operation by any agricultural machinery and includes an injury due to fall from such machinery, tree or into a well or electric shock, snake bite or attack by any wild or domesticated animal;

(b) “agricultural operation” includes any work relating to agriculture, horticulture, sericulture, rearing of sheep, goat, cattle, milch cattle, poultry or any other work connected with or ancillary to agriculture;

(c) “Commissioner” means a Commissioner appointed under section 7;

(d) “Fund” means Small and Marginal Farmers’ Welfare Fund constituted under section 4;

(e) “marginal farmer” means any person who owns agricultural land the size of which is not more than two and a half acres of non-irrigated or irrigated land and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system;

(f) “partial disability” means such disability which reduces the working capacity of a farmer temporarily of which he was capable of before the occurrence of that accident;

(g) “permanent disability” means any disability which fully incapacitates a farmer for all agricultural and other works of which he was capable of prior to the occurrence of that accident;

(h) “prescribed” means prescribed by rules made under this Act; and

(i) “small farmer” means any person who owns agricultural land not exceeding five acres of non-irrigated or irrigated land and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system.

State Government to formulate a welfare policy for the small and marginal farmers.

Constitution of Small and Marginal Farmers’ Welfare Fund.

3. The State Government shall, as soon as may be but not later than one year from the commencement of this Act, formulate, a comprehensive welfare policy for the small and marginal farmers and implement it in such manner as may be prescribed.

4. (1) The State Government shall, for the purpose of this Act, constitute a Fund to be known as the Small and Marginal Farmers’ Welfare Fund.

(2) The initial corpus of the Fund shall be rupees one hundred crore after due appropriation made by the State Legislature by law in this behalf, in such manner as may be prescribed.

(3) There shall also be credited to the Fund any grants or donation that may be made by any person or institution.

(4) The Fund shall be administered by the State Government in such manner as may be prescribed.

(5) Every compensation payable under this Act shall be paid out of the Fund in such manner as may be prescribed.

5. (1) If any injury is caused to a small or marginal farmer due to an accident during the course of agricultural operation, such farmer shall be entitled to and receive compensation out of the Fund.

Compensation
in case of
accident.

(2) The amount of compensation payable under sub-section (1), for injury resulting in total or partial disability, shall be such as may be specified by the State Government from time to time, by notification in the Official Gazette, Subject to its being not less than fifty thousand rupees in case of partial disability and one lakh rupees in case of permanent disability or death.

(3) The compensation payable under this Act in case of death shall be paid to the spouse of deceased farmer or to the children or to his legal heir:

Provided that in case the deceased was unmarried, the compensation shall be paid to his parents.

6. Every person who is eligible to seek compensation under this Act shall apply to the Commissioner in prescribed form giving such details as may be prescribed therein:

Procedure for
claiming of
compensation.

Provided that in case the applicant is illiterate, the Commissioner shall cause the form of the applicant duly filled in.

7. (1) The State Government shall, by notification in the Official

Appointment

(2) On receipt of an application, the Commissioner shall cause such enquiry into the claim as he may deem fit and if it is found that the death or injury was caused to the farmer because of an accident, he shall decide the amount of compensation to be paid to the claimant and shall record in writing reasons for coming to such a decision:

Procedure to be
adopted by the
Commissioner.

Provided that the Commissioner shall finalize the payment and release the amount within thirty days of filing of an application for claim.

8. Notwithstanding anything contained in any other law for the time being in force, no Civil Court shall have jurisdiction to settle, decide or deal with any decision made by a Commissioner or to enforce any liability incurred under this Act.

Bar to
jurisdiction of
Civil Courts.

9. An appeal shall lie to the High Court if the appeal is made within three months of the decision by the Commissioner.

Appeal.

10. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules, may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS

There are millions of small and marginal farmers in the state. They are very poor but their contribution towards agriculture sector is second to none. While pursuing agricultural operations, they receive injuries quite often leading to partial or permanent disability and in many cases they also die leaving behind their families. It is a matter of great concern that while social security schemes have been extended to organised working classes, the small and marginal farmers remain uncovered by such schemes. As a result, whenever a farmer meets with a serious accident and receives serious injury or succumbs to such injury, he and, in his absence, his family members suffer tremendous hardships. The family of such a farmer is, in fact, ruined. There is no social security net for such farmers.

It is, therefore, necessary that small and marginal farmers are provided with some sort of social security in form of compensation on the occurrence of accidents during the course of agricultural operations. Hence, it is proposed to constitute a Fund for the welfare of small and marginal farmers.

Hence this Bill.

Gandhinagar

Dated the 15th May, 2015

BALVANTSINH RAJPUT

M.L.A.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Small and Marginal Farmers Welfare Fund. Clause 7 provides for the appointment of Commissioners for payment of compensation to farmers. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of the State. It is estimated that about rupees one hundred crore is likely to be involved as recurring expenditure per annum from the Consolidated Fund of the State.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

Gandhinagar
Dated the 15th May, 2015

BALVANTSINH RAJPUT
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the State Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Gandhinagar
Dated the 15th May, 2015

BALVANTSINH RAJPUT
M.L.A.

Gandhinagar
Dated the 25th February, 2016

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 25th February, 2016 by
Shri. Ravant Singh Rajput, M.L.A. is Published under rule 127 A of the

GUJARAT BILL NO. 7 of 2016.

THE ABOLITION OF BEGGING BILL, 2015

A BILL

to provide for abolition of begging and for matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Begging Act, 2016.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "Government" means the Government of Gujarat;

(b) "beggar" means a person who indulges in begging;

(c) "begging" means—

Short title,
extent and
commencement

Definitions.

- (i) soliciting or receiving alms in a public place including railways, bus stops, road sides or any other place where public has access;
 - (ii) exposing or exhibiting any wound, deformity or disease of self or of any other person or of an animal for the purpose of soliciting or collecting alms;
 - (iii) allowing one self to be used as an exhibit for the purpose of soliciting or collecting alms;
- but does not include—

- (i) soliciting or receiving money or food or gift by executing an act of art or music or dance or acrobatics or painting at any public place; and
- (ii) soliciting or receiving money or food or any offering in connection with any religious practice or a custom involved in any religion;
- (d) "child" means a boy or a girl who has not attained the age of eighteen years;
- (e) "children's home" means a children's home established under the Juvenile Justice (Care and Protection of Children) Act, 2000; 56 of 2000
- (f) "prescribed" means prescribed by rules made under this Act; and
- (g) "receiving centre" means a centre established under section 5.

Abolition of begging.

3. Begging by any person in any manner is hereby abolished.

Punishment for forcing or encouraging any person for begging.

4. Whoever forces or encourages any person, including a child in his care, custody or charge, for begging shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also liable to fine.

Arrested beggars to be sent to receiving centres.

5. (1) Any person found begging shall be arrested by the police and before making every such arrest, the officer-in-charge of the concerned police station shall satisfy himself as to the *bona fide* of the arrested beggar.

(2) Any person, other than a child, arrested on the ground of begging shall be sent to a Receiving Centre, to be established in every district by the Government, wherein such person shall be provided with facilities for his rehabilitation.

Explanation.—For the purpose of this section, facilities for rehabilitation includes medical care, sustenance and training in agricultural or industrial or other pursuits aiming at providing gainful employment to the beggars.

(3) Any child arrested on the ground of begging shall be sent to a children's home.

(4) Every child sent to a children's home shall be provided with food, medical care and education free of cost.

Constitution of Beggar's Welfare Fund.

6. (1) The State Government shall constitute a Fund to be known as the Beggars' Welfare Fund for the welfare of the beggars.

(2) Every beggar shall be provided with such financial assistance, out of the Welfare Fund, for self-employment in such manner as may be prescribed.

Formulation of schemes, plans for beggars.

7. (1) The Government shall, for the purpose of providing employment opportunities to beggars, formulate such schemes, work out such plans, including plans for provision of education, and create such suitable infrastructure in every district, as it considers appropriate.

(2) The Government shall set up destitute homes in every district for providing food, shelter and protection to the old, infirm, helpless and destitute persons to ensure that they do not indulge in begging.

8. (1) Any person who maims himself or other persons for the purpose of soliciting or collecting alms shall be punished with rigorous imprisonment for a term which may extend to ten years. **Punishment for maiming.**

(2) Where a person maims any child or woman or any person who is above the age of sixty years for the purpose of soliciting or collecting alms shall be punished with imprisonment for a term which shall not be less than ten years.

9. Notwithstanding anything contained in any other law for the time being in force, an offence under this Act shall be cognizable and non-bailable. **Offence to be cognizable and non-bailable.**

10. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act. **Power to make rules.**

(2) In particular and without prejudice to the generality of the foregoing power, such rules, may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section shall be subject to the condition that any rule made after previous publication

shall be subject to rescission by the State Legislature or such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS

Despite welfare measures taken by Government, the menace of begging continues unabated all over the State, especially in the metropolitan cities and urban areas.

The Existing legal frame work have been found to be inadequate to curb the menace of begging & failed to achieve desired results. Today the menace of begging has assumed criminal proportions.

It is therefore considered necessary to enact a special law to tackle the menace of begging and also to create an environment in the society wherein a life of dignity is assured to persons indulged in begging.

Hence this Bill.

Gandhinagar
Dated the 15th May, 2015

BALVANTSINH RAJPUT
M.L.A.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of "Receiving Centres" by the State Government. Clause 6 provides for constitution of the Beggars' Welfare Fund by the State Government. Clause 7 provides for formulation of schemes and providing suitable infrastructure in every receiving centre or destitute home established in every district for the purpose of creating employment opportunities for beggars. The State Government would have to incur expenditure from the Consolidated Fund of the State for the establishment of receiving centres, destitute homes and creating suitable infrastructure in such centres. The Bill, if enacted, will involve expenditure from the Consolidated Fund of the State. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of rupees twenty crore is also likely to be involved.

Gandhinagar
Dated the 15th May, 2015 ,

BALVANTSINH RAJPUT
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the State Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Gandhinagar
Dated the 15th May, 2015 ,

BALVANTSINH RAJPUT
M.L.A.

Gandhinagar
Dated the 25th February, 2016 ,

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 25th February, 2016 by
Shri Parbatbhai Patel, M.L.A. is Published under rule 127-A of the
Gujarat Legislative Assembly rules for general information.

GUJARAT BILL NO. 8 OF 2016.

THE GUJARAT PREVENTION AND CONTROL OF TRAFFIC NUISANCES BILL, 2016.

A BILL

to provide for strict implementation of provisions relating to traffic in city areas of the State and to provide for certain measure for prevention and control of traffic nuisances and matter related thereto.

It is hereby enacted in the Sixty-Seventh Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Prevention and Control of Traffic Nuisances Act, 2016. short title,
extent and
commencement
- (2) It extends to whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Rash or negligent driving.

2. Notwithstanding anything contained in any law for time being in force, whoever in any public place commits any of the following offences shall be liable on conviction to fine not less than one thousand rupees or to imprisonment of either description not exceeding fifteen days:

Provided that in case of rash or negligent driving, the appropriate authority may cancel the driving licence for such period as he deems fit.

- (1) Whoever drives or rides or pushes any vehicle, in a rash or negligent manner;
- (2) Whoever by negligence or ill-usage in driving causes any mischief or obstruction to pedestrians or other persons;
- (3) Whoever without reasonable excuse and so as to cause danger or obstruction to any person shall drive, drag or push any vehicle otherwise than on the near or left side of the road;
- (4) Whoever being in charge of any vehicle leaves it otherwise than on the near or left side of the road;
- (5) Whoever causes any vehicle to remain or stand longer time than be necessary for loading or unloading except at places appointed for the purpose, so as to cause obstruction or in any way willfully obstructs or causes obstruction to the free passage of any thoroughfare;
- (6) Whoever is found drunk and incapable of taking care of himself and vehicle he drives or guilty of any riotous, disorderly or indecent behavior.

Explanation.- In this section "public place" means a place including a road, street or way, whether a thoroughfare or not, and a landing place to which the public are granted access or have a right to resorts or over which they have a right to pass.

Arrest without warrant view of offence.

3. (1) Any police officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.
- (2) Provisions of the Code of Criminal Procedure, 1973 shall apply to any arrest made or bond taken as if the arrest had been made and the bond has been taken under the said Code.

Designation of a special court.

4. The State Government may designate any existing court as a special court to dispose of the cases under this Act in a time bound manner so as to achieve the desired object with reference to traffic nuisances.

STATEMENT OF OBJECTS AND REASONS

In the recent past particularly in urban areas and cities, incidents of "dhoom" type rash less driving, mischief and obstruction to citizens passing on the road has occurred much. Traffic regulations are not followed by people which causes hardship and sometime it become fatal and also turns in to loss of life.

There are also cases of unlawful parking of vehicle which causes obstruction to citizens.

In order to take appropriate measures and also to punish the guilty, it is considered necessary to frame a law on the subject and confer certain powers in addition to the power conferred to the authority under the Bombay Police Act, 1951.

Hence this Bill.

Gandhinagar

Dated the 25th January, 2016.

PARBATBHAI PATEL

M.L.A.

This Bill involves delegation of legislative powers in the following respect :-

Clause 1:- Sub Clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Gandhinagar

Dated the 25th January, 2016.

PARBATBHAI PATEL

M.L.A.

Gandhinagar

Dated the 25th February, 2016.

D. M. PATEL,

Secretary,

Gujarat Legislative Assembly.

Extra No. 9

વાર્ષિક લવાજમનો દર રૂ. ૩૫૦૦/-



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 25th February, 2016 by

GUJARAT BILL NO. 9 OF 2016.

THE GUJARAT SCHOOL GOING PUPILS HEALTH PROGRAMME BILL, 2016.

A BILL

*to provide for health check up and treatment to the school going pupils
in the State.*

It is hereby enacted in the Sixty-seventh Year of the Republic of
India as follows:-

1. (1) This Act may be called the Gujarat School Going Pupils Health
Programme Act, 2016.

*Short
title and
commencement.*

- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions. 2. In this Act, unless the context otherwise requires, –

- (a) “Act” means the Gujarat School Going Pupils Health Programme Act, 2016.
- (b) “team” means the Medical Health Check Up team for the respective taluka.
- (c) “School going pupils” means the students up to the standard 12 enrolled in any Government or Private school.

Teams of health check up.

3. (1) In every taluka there shall be Medical Health Check Up team for health check up of school going pupils in the respective taluka.

(2) The Medical Health Check Up team shall comprise of following members, namely :-

- (i) Taluka Medical Officer
(President)
- (ii) Taluka Education Officer
(Vice – President)
- (iii) All the Govt. Medical Officers
of the respective taluka (members)
- (iv) All the Govt. medical
technicians of the respective
taluka (members)

Functions. 4. The following shall be functions of the medical health check up team, namely :-

- (i) The Medical Health Check Up team of the taluka shall examine and check up all the school going pupils of the taluka every six month regularly.
- (ii) The reports in the health check up and medical examination shall be sent to all the parents of the pupil along with the school progress report sent by the school.
- (iii) The team also prescribe medicines and provide treatment to the pupils found suffering from any disease or found unhealthy.
- (iv) In case the team found any serious ailment which requires urgent treatment, it shall immediately inform the principal of the school, parents of the pupil and provide necessary medicine and health treatment immediately.

shall be provided free medical treatment and medicines from the *medical help.*
Government hospitals.

STATEMENT OF OBJECTS AND REASONS

Future of any nation lies in healthy childhood, who are future citizen of the nation. It is said that prevention is better than cure. Any kind of ailment if detected at early stage can be cured very easily and effectively. In view of this, it is important that a solid programme of health check up for young school going pupils are under taken by the Government and effective steps should be taken for the medical treatment and help to the needy pupils.

This Bill provides for the same.

Gandhinagar
Dated the 1st February, 2016.

SHAMBHUJI THAKOR
M.L.A.

Financial Memorandum

The provisions of clause 5 if invoked will involve expenditure from the Consolidated Fund of the State. Roughly, it is estimated the yearly expenditure of Rs. 2 crores of recurring nature shall be incurred.

Gandhinagar
Dated the 1st February, 2016.

SHAMBHUJI THAKOR
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub - Clause (2) of clause (1) empowers the State Government to appoint, by notification in the **Official Gazette**, the date on which the provisions of the Act shall come into force.

Gandhinagar
Dated the 1st February, 2016.

SHAMBHUJI THAKOR
M.L.A.



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PART V

Bills introduced in the Gujarat Legislative Assembly

Legislative Assembly Rules for general information

GUJARAT BILL NO. 10 OF 2016

THE GUJARAT CHIEF MINISTERS' AMRITAM (MA) HEALTH SERVICES BILL, 2016.

A BILL

to make provision for Free Medical Services to the Family below poverty line and also to persons in certain income group and for matters connected therewith.

It is hereby enacted in the Sixty-Seventh Year of the Republic of India as follows:-

**Short
title and
commence-
-ment.**

1. (1) This Act may be called the Gujarat Chief Ministers' Amritam (MA) Health Services, Act, 2016.
(2) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires, —

- (a) "Appellate authority" means Secretary to Health and Family Welfare Department, Sachivalaya, Gandhinagar.
- (b) "Approved Hospitals" means Private Hospitals in the State approved by the State Government from time to time under section 4 for the purpose of this Act.
- (c) "Commissoner" means Commissoner of Health and Medical Services.
- (d) "Competent Officer" means authorised medical officer to approve Medical Expenses Bill.
- (e) "Prescribed" means prescribed by rules made under this Act.
- (f) "Recognised Hospitals" means all Government Hospitals and Government Hospitals attached Medical Colleges in the State.
- (g) "Section" means section of this Act.

Application of the provisions to certain class or persons .

3. The provisions of this Act shall apply to persons below the poverty lines and also to persons in certain income group as may be specified by the State Government by issuing a notification in that regard.

Free medical treatment at Hospitals.

4. (1) The State Government shall provide free medical treatment to the persons covered under section 3, in the recognised Hospitals.
- (2) The State Government shall also publish list of approved Hospitals by issuing a notification from time to time wherein any person covered under section 3 shall be entitled to obtain free medical treatment.

Reimbursement of expense.

5. The State Government shall reimburse the cost of Medical Treatment to the approved Hospitals in the manner and to the extent as may be prescribed by the State Government under the authority of Competent Officer:

Provided that any approved Hospitals aggrieved by the decision of the Competent officer may appeal to the appellate authorities within 60 days from the date of receipt of the order of reimbursement.

Extent of limit.

6. Notwithstanding anything contained in this Act, the upper limit for reimbursement in any case shall not exceed rupees two lakhs annually for a family.

7. (1) The State Government shall appoint a State Implementation Committee *State Implementation Committee.* consisting of seven members for the aforesaid Scheme under the chairmanship of Secretary, Public Health :

Provided that out of seven members at least three members shall be from medical profession, one woman member and one member from N.G.O.

- (2) The State Implementation Committee shall take all the policy decisions for effective implementation of the Scheme under this Act.

8. The State Government may by notification in the *OFFICIAL Power to make rules.* GAZETTE make rules for carrying out the objects of this Act.

The State Government after careful consideration has implemented, Chief Ministers' Amritam (MA) Yojana to provide Health Services at no cost to the Families in the State living below poverty line and persons in certain income group.

It is considered necessary to make statutory provisions for effective implementation of the aforesaid scheme.

Hence this Bill.

Gandhinagar
Dated the 1st February, 2016.

BHANUBEN BABARIYA
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill, empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid is necessary and is of normal character.

Gandhinagar
Dated the 1st February, 2016

BHANUBEN BABARIYA
M.L.A.

Financial Memorandum

This Bill, if enacted and brought into operation would incur expenditure of recurring and non-recurring nature on the Consolidated Fund of the State of Gujarat. Exact amount cannot be worked out at present.

Gandhinagar
Dated the 1st February, 2016

BHANUBEN BABARIYA
M.L.A.

Gandhinagar
Dated the 25th February, 2016

D. M. PATEL
Secretary,
Gujarat Legislative Assembly



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 25th February, 2016 by

GUJARAT BILL NO. 11 OF 2016

THE GUJARAT PROHIBITION OF SMOKING AND SPITTING BILL, 2016.

A BILL

to provide for prohibiting use of tobacco and spitting in places of public work or use in public service vehicles in the State of Gujarat and to make provisions for other matters connected therewith.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prohibition of Smoking and Spitting *Short title, extent and commencement.*
Bill, 2016.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, –

- (a) “Advertisement” means and includes any notice, circular, wall-paper, pamphlets, display on hoardings or any visible representation made by means of any light, sound, smoke gas, writing instruments, stickers, symbol, colours, logo, trade mark/symbol, display on articles like T-shirts, shoes, sports wear, sports, gears caps, carry bags, telephone-booths, etc., or any other means which has direct or indirect effect of promoting smoking or tobacco chewing and the expression “advertise” shall be construed accordingly.
- (b) “Authorised Officer” means a person authorised under Section 4 of this Act.
- (c) “Chewing” means chewing of tobacco, gul (tobacco), use of tobacco paste, supari with tobacco, pan masala, zarda, gutka and the like.
- (d) “Government” means Government of Gujarat.
- (e) “*Official Gazette*” means Gujarat Government *Gazette*.
- (f) “Place of public work or use” means a place declared as such under Section 3 of this Act, and includes auditoria, cinema/conference/seminar halls, hospital buildings, health institutions, amusement centres, restaurants, eating houses, hotel lounges, other waiting lodges, public offices, court buildings, educational institutions, libraries, bus stations, ferry boats, places of worship, beaches, sports stadiums which are visited by the general public but does not include other open place.
- (g) “Public Service Vehicle” means a vehicle as defined under the Motor Vehicles Act, 1988.
- (h) “Smoking” means smoking of tobacco in any form, whether in the form cigarette, cigar, beedies, or otherwise with the aid of pipe, wrapper or any other instruments.
- (i) “Spitting” means voluntary ejection of saliva from the mouth after chewing or without chewing and ejection of mucus from the nose after inhaling snuff or without inhaling.

3. As soon as may be after the commencement of this Act and thereafter from time to time, the Government may, by notification in the *Official Gazette*, declare any place to be a place of public work or use in Gujarat for the purpose of this Act.. *Declaration of places of public work or use .*
4. (1) The Government may, by notification in the *Official Gazette*, authorise one or more persons as authorised officers who shall be competent to act under this Act. *Power of Government to authorize officers to act under this act.*
- (2) Every persons authorised under sub-section (1) shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860.
5. No person shall smoke or spit in any place of public work or use. *Prohibition of smoking and*
-
6. Without prejudice to the provisions of the Motor Vehicles Act, 1988 no person shall smoke or spit while travelling in or using a public service vehicle. *Prohibition of smoking and spitting in public service vehicle.*
7. Notwithstanding anything contained in any other law for the time being in force no person shall advertise or cause to advertise in any place and on any public service vehicle, any material which may directly or indirectly promote smoking or chewing of tobacco products or products containing tobacco even if classified as by any other name. *Prohibition of advertisement of smoking and chewing.*
8. No person shall sell cigarettes, beedies, chewing tobacco, gul (tobacco), tobacco paste including tobacco based tooth paste, supari with tobacco, pan masala, zarda snuff, gutkas, or any other such smoking and/or chewing substance containing nicotine and/or tobacco to any person who is below the age twenty one years. *Prohibition of sale of cigarettes etc. to minors.*

Prohibition of storage, sale and distribution of cigarettes etc.

9. No person shall himself or by any person on his behalf, store, sell or distribute cigarettes, beedies, chewing tobacco, gul (tobacco), tobacco paste, supari with tobacco, pan masala, zarda, gutka, snuff or any other such smoking substance or substances containing tobacco within an area of 100 metres around a place of worship or any college, school or other educational institutions.

Display and exhibition of board.

10. The owner or manager or incharge of affairs of every place of public work or user shall display and exhibit a board at a conspicuous place or places in and outside the premises visited or used by the general public prominently stating that the place is a "No Smoking and No Spitting Zone" and that "Smoking/Spitting is an offence".

Any person who contravenes the provisions to be punished.

11. (1) Any person, who contravenes the provisions of Section 5, 6, 9 or 10 shall be punishable with fine which may extend to one thousand rupees and in case of second or subsequent offence, shall be punishable with a minimum fine of two thousand rupees, which may extend to five thousand rupees.

(2) Any person who contravenes the provisions of Section 7 and 8 shall be punishable with fine which may extend to one thousand rupees and in case of second or subsequent offence, shall be punishable with imprisonment which may extend to three months, or with a minimum fine of five thousand rupees which may extend to ten thousand rupees, or with both.

Power to eject violators.

12. Any authorised officer or any police officer, not below the rank of a sub-inspector, may eject any person who contravenes any of the provisions of this Act, from the place of public work or use, and any driver/conductor of a public service vehicle may, eject any person who contravenes any of the provisions of this Act in the public service vehicles.

Court competent to take cognizance and try offences.

13. (1) No court other than the court of, a Judicial Magistrate First class shall take cognizance of and try an offence under this Act.

(2) No court shall take cognizance of any offence except on a complaint in writing of an authorised officer or an authorised representative of a recognised Non-Government organization devoted to the cause or controlling tobacco use/spitting with respect to offences under Sections 5, 6, and 9 on report in writing of a police officer not below the rank of Sub-Inspector, or an authorised representative of a recognised Non-Government organisation devoted to the cause of controlling tobacco use/spitting with respect to the offence under Sections 7, 8, 9 and 10.

14. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 offences under Sections 5, 6, 7, 8 and 9 of this Act shall be cognizable and bailable. *Certain offences to be cognizable and bailable.*

- 2 of 1974. 15. All offences under this Act shall be tried summarily in the manner *Summary trial of offences*

16. The Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, may also be exercisable by such officer and subject to such conditions, if any, as may be specified therein. *Power to delegate.*

17. (1) The Government may, by notification in the *Official Gazette*, empower the authorised officer or a police officer not below the rank of a sub-inspector to compound any offence committed under this Act on payment of a sum not less than rupees one thousand which may extend upto rupees five thousand by way of composition for the offence which such person is suspected to have committed. *Composition of offences.*
- (2) On payment of such sum to such officer, the offender if in custody, shall be released and no further proceedings shall be taken against such, offender.

STATEMENT OF OBJECTS AND REASONS

It is a very well known fact proved scientifically that a person who consumes tobacco in any of the forms mentioned above in the Bill is prone to suffer more from those deadly diseases like cancers of oral cavity, lungs and Gastro intestinal tract, than the persons not consuming the tobacco. So it is true that the consumption of the tobacco in any of the forms is certainly injurious and hazardous to the health.

Smoking is not only dangerous to the consumer but is equally rather more harmful to the person living with the addict or to the other persons working along With the addict.

Spitting of the saliva and excretion of the nasal mucus here and there is very dangerous and serious threat to the health of the public and the society, as it causes many bacterial and viral and other air-born diseases

The poythene materials used for packing these tobacco products for the consumers increase in the solid waste and choking of the drainage systems. Smoke increases the air pollution.

Half of the earnings and the income is wasted in purchasing these costly products of the tobacco by the addicts and the consumers. Thereby leaving nothing for the expenses of the family, leading to poverty.

It is therefore essential to prohibit smoking and spitting in public places in the States of Gujarat in the general interest of the public at large.

Hence this Bill.

Gandhinagar
Dated the 1st February, 2016.

SHABDASHARAN TADVI
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub Clause (3) of Clause (1) empowers to the State Government to specify the date on which the Act shall come into force.

The delegation of Legislative powers as aforesaid is essential and of a normal character.

Gandhinagar
Dated the 1st February, 2016.

SHABDASHARAN TADVI
M.L.A.

Gandhinagar
Dated the 25th February, 2016

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 25th February, 2016

GUJARAT BILL NO. 12 OF 2016

THE GUJARAT PUBLIC PLACES (PREVENTION OF DISFIGUREMENT) BILL, 2016

A BILL

To prevent disfigurement by objectionable or unauthorized advertisement of places open to public view and to prevent pasting of posters in such places and on public transport vehicles in the State of Gujarat.

It is hereby enacted in the Sixty seventh Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Public Places (Prevention of Disfigurement) Act, 2016 **Short title and extent.**
- (2) It shall extend to the whole of the State of Gujarat.
2. In this Act, unless the context otherwise requires,- **Definitions.**
 - (i) "advertisement" includes any effigy or any bill, notice, document, Paper or other things in the visible presentation form;

- (ii) "motor vehicle" means any vehicle owned by the Government including buses used for road transport service by the State transport Corporation;
- (iii) "objectionable advertisement" means any advertisement which is likely to-
 - (a) Incite any person to commit any offence including violence; or
 - (b) Incite any section of the citizen of India to acts of violence against any other section of the citizen of India; or which
 - (c) Outrage the religious feelings of any class of the citizens of India by insulting their religious beliefs deliberately; or
 - (d) Be indecent or obscene or intended to blackmail;
 - (e) Obstruct pedestrian traffic;

Explanation-An advertisement shall not be deemed to be objectionable merely because words or sign are used for criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

- (iv) "place open to public view" includes any private place or building, wall, fence, tree or other things visible to a person being in or passing along any public place;
- (v) "public place" means any place, road, street or way whether a thoroughfare or not to which the public are granted access or have a right to resort.

Penalty for disfigurement by objectionable advertisements. 3. Whoever affixes to or inscribes or exhibits on any place open to public view any objectionable advertisement or deface or disfigure any picture or writing done by authorised person shall be punished with imprisonment of either description for a term which may extend to ten year or with fine of not less than ten thousand rupees or with both.

4. (1) Whoever without previous permission of the traffic branch of the State Police Force in the State affixes to or inscribes or exhibits on any place open to public view any advertisement which obstructs the line of vision of a person driving or distract the attention of any pedestrian so as to cause road danger to such person shall be punished with imprisonment of either description for a term which may extend to one year or with fine of not less than of five thousand rupees which may extend to ten thousand rupees or with both.

Penalty for disfigurement by certain categories of unauthorized advertisements without permission.

(2) The traffic branch of State Police Force shall decide the location for granting permission to allow advertisement on moving traffic.

5. Any person aggrieved by any decision of the traffic branch of State Police Force under section 4, may appeal within thirty days to the Director General of Police and his decision as Appellant Authority shall be final.

Appeal.

6. Whoever affixes to or inscribes or exhibits on any place open to public view any advertisement without the written consent

Penalty for unauthorized

deface any milestone or Government signboard shall be punished with imprisonment for a period of three month or with fine which may extend to two thousand rupees or with both.

7. All offences punishable under this Act shall be tried in a Summary way.

Power to try offence summarily.

8. The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

Provisions in addition to.

9. (1) The State Government may make rules for the purpose of carrying out the provisions of this Act.

Power to make rules.

(2) All rules made under this section shall be laid before the state legislature for thirty days as after they are made and shall be subject to such modification or recession as the state Government may make during the session in which they are so laid or the session immediately following.

STATEMENT OF OBJECTS AND REASONS

In the recent past, it is experienced that there is mushroom growth of disfigurement in public places by objectionable and unauthorized advertisement. This also hinders smooth traffic and also harms the pedestrians.

There are also increasing number of incidents of affixing posters and advertisements on bus-stops of public transport system in the State and also on motor vehicles owned and run by State Transport Corporation. Some posters also contain indecent or obscene material.

Due to this undue hardship faced by traffic police and public at large, it is therefore considered necessary to enact a law to prevent disfigurement by objectionable or unauthorized advertisements at public places.

Hence this Bill.

GANDHINAGAR,
Dated the 1st February, 2016

PANKAJ MEHTA
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respect:-

Clause 9 :- This clause empowers the State Government to make rules for the purpose of carrying out the provisions of the Act.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

GANDHINAGAR,
Dated the 1st February, 2016

PANKAJ MEHTA
M.L.A.

Gandhinagar
Dated the 25th February, 2016

D. M. PATEL
Secretary,
Gujarat Legislative Assembly



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 25th February 2016 by Shri

GUJARAT BILL NO. 13 OF 2016

THE GUJARAT DEVELOPMENT OF SAGARKHEDU BILL, 2016.

A BILL

to provide for development of Sagarkhedu.

It is hereby enacted in the Sixty-seventh Year of the Republic of India
as follows:-

1. (1) This Act may be called the Gujarat Development of Sagarkhedu Bill, *Short title and commencement.*
2016.

- (2) It shall come into force at once.

Definitions 2. In this Act, unless the context otherwise requires, —

- (a) “G.P.S.” means Global Positioning System based on space-navigation system that provides location and time information and weather conditions.
- (b) “Sagarkhedu” means the person living at sea shore and who is wholly depending on and engaged in fishing activity for his livelihood.
- (c) “Scheme” means the various schemes framed by the State Government from time to time for the purpose of this Act.

Training.

3. Every Sagarkhedu shall be duly offered ample opportunity for the training in the follow sphere of his work, namely :-

- (i) Fishing in the high sea.
- (ii) Use of G.P.S.
- (iii) Use of map and distance measuring devices.
- (iv) Use of life saving devices.
- (v) Use of hem radio and different communication devices.
- (vi) any other training as may be provided from time to time by the Government.

Help.

4. State Government shall provide to the Sagarkhedu help in cash or in kind for the following items, namely :-

- (i) in purchase of electronics and solar instruments.
- (ii) in purchase of life saving devices.
- (iii) in purchase of modern fishing nets.
- (iv) in updating or upgrading their fishing boats.

5. State Government shall also provide help for education, medical treatment, shelter, and livelihood to the family members of the Sagarkhedu who is missing, captured by other country or died during fishing at sea. *Care of family.*
6. State Government shall frame various schemes for the Welfare of Sagarkhedu. *Schemes etc.*

STATEMENT OF OBJECTS AND REASONS

State of Gujarat has largest sea shore in the nation. It comprise of about more than 1600 km. The population on this immediate sea shore is mainly engaged in fishing activity for their livelihood. They are earning their bread even at the cost of their life, health and family. It is desirable that State Government take some concrete welfare measures for them.

This Bill provides for the same.

Gandhinagar
Dated the 1st February, 2016

PIYUSH DESAI
M.L.A.

Financial Memorandum

Clauses 3, 4 and 5 provides for training, help and certain types of special care for Sagarkhedu. These provisions if invoked may incurred expenditure from the Consolidated Fund of State. An estimate of recurring or non-recurring expenditure is not possible.

Gandhinagar
Dated the 1st February, 2016

PIYUSH DESAI
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause (6) empowers the State Government to frame various schemes for the welfare of Sagarkhedu.

The delegation of Legislative powers as aforesaid is necessary and of normal character.

Gandhinagar
Dated the 1st February, 2016

PIYUSH DESAI
M.L.A.

Gandhinagar
Dated the 25th February, 2016

D. M. PATEL
Secretary,
Gujarat Legislative Assembly



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill Which was introduced on the 25th February, 2016 by
Shri Dushyantbhai Patel M.L.A. is published under rule 127-A of the
Gujarat Legislative Assembly rules for general information

THE GUJARAT STATE KHEL MAHAKUMBH AUTHORITY BILL, 2016.

A BILL

to provide for establishment of Khel Mahakumbh Authority for assistance and encouragement to the leading sportsmen, events as well as sportsmen in the State and matters connected there with.

It is hereby enacted in the Sixty-seventh year of the republic of India as follows:-

1. (1) This Act may be called the Gujarat State Khel Mahakumbh Authority Act, 2016.

Short title and commencement.

- (2) It shall come into force, at once.

2. In this Act, unless the context otherwise requires, —

Definitions

- (a) “Authority” means the Khel Mahakumbh Authority.
(b) “Government” means the Government of Gujarat.
(c) “Prescribed” means prescribed by rules.
(d) “Prominent Sports” means Sports which are organised at State and National level as may be notified by the State Government.
(e) “Promising Sportsmen” means a Sportsmen who has secured first, second or third place in State level or District level competition of the sports or games.

*Establishment
of
Authority.*

3. (1) The State Government shall establish a Khel Mahakumbh Authority for encouragement of prominent sports and sports related activity in the State of Gujarat.

(2) The authority shall organise every year annual events at such place as may be decided by the authority.

(3) While organizing such events, care shall be taken to give due weightage to the districts which are on the costal way as well as tribal districts in the State of Gujarat.

*Provisions
of
Funds.*

4. (1) The authority shall provide adequate funds to Districts Sports Authority for preparing promising sports persons.

(2) Such funds shall be utilised for free Lodging, Boarding and practice facility in the Sports Hostels established by the authority in the State of Gujarat.

*Scholarship
and
Encouragement
Amount.*

5. (1) The Promising Sports Persons shall be given yearly scholarship of rupees 20,000/- in which he secured first, second or third place in the District level or State level events.

(2) A sports persons who is selected for National level events may be granted a sum of rupees 25,000/- as encouragement amount.

*Coaching
Facility.*

6. The authority shall provide facility of coach to train the sportsmen and also make such necessary arrangements which deems feet for preparing a sports persons.

*Prize
to
Winner*

7. The State level winners shall be provided cash price as well as trophy as may be determined by the authority.

8. Separate sports events shall be organised for the persons who are not totally physically fit for taking part in such events and separate assesment shall be made of such persons. *Sports Events for disable.*
9. (1) The State Government may make rules for carrying out purposes of this Act. *Power to Make Rules.*
- (2) In particular and without prejudice to the generality of foregoing power, such rules may be made to provide for all or any of the following matters, namely :-
- (a) The authority by which and the manner in which free Lodging, Boarding and practice facility is to be provided.
 - (b) Rules regulating the award to be given to Promising Sportsmen.
 - (c) Rules regulating grant of loans, encouragement award and

STATEMENT OF OBJECTS AND REASONS

Many promising and prominent sportsmen in the State of Gujarat are facing financial difficulty and also in some cases they are not able to receive proper coaching due to financial hardships. With a view to encourage such sportsmen, it is proposed to establish a Khel Mahakumbh Authority in the State of Gujarat.

The Authority shall provide proper infrastructure for the training and guidance to sports persons. The authority shall also regularly organize annual sports events at Taluka, District and State level. Adequate facility for practice, free Lodging and Boarding shall be provided to the sports persons so that, they can earn glory for State and Nation.

Hence, this Bill.

Gandhinagar
Dated the 1st February, 2016.

DUSHYANTBHAI PATEL
M.L.A.

Financial Memorandum

If the provision of the Bill if, enacted and brought into operation would involve estimated annual expenditure of about rupees 25 crores from the Consolidated Fund of the State which would be of recurring of nature.

Gandhinagar
Dated the 1st February, 2016.

DUSHYANTBHAI PATEL
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves delegation of legislative powers in the following respects:-

- Clause 9:-** (1) **Sub-clause (1)** of this clause empowers the State Government to make rules for carrying out the purposed of this Act.
- (2) **Sub-clause (2)** of this clause empowers the State Government to make rules in all or any of the following matters.
- (a) the authority by which and the manner in which the free lodging, boarding and practice facilities to be provided;
 - (b) Regulating the award to be given to promising sportsmen;
 - (c) Regulating grants of loans, encouragement amount and special assistance awards;

The delegation of legislative powers as aforesaid is necessary and is of normal character.

Gandhinagar
Dated the 1st February, 2016.

DUSHYANTBHAI PATEL
M.L.A.

Gandhinagar
Dated the 25th February, 2016.

D. M. PATEL
Secretary,
Gujarat Legislative Assembly.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill Which was introduced on the 25th February, 2016 by Dr. Nimaben Acharya, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly rules for general information

THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) (GUJARAT AMENDMENT) BILL, 2016.

A BILL

Further to amend the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) in its application to the State of Gujarat.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) (Gujarat Amendment) Bill, 2016.

Short title and commencement.

- (2) It shall come into force at once.

*Amendment
of Section 22
of 57 of 1994.*

2. In the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, (here in after refer to as “the said Act”), 1994 in Section 22, in sub-section (3), for the words “three years”, the words “four years”, and for the words “ten thousand rupees”, the words “fifteen thousand rupees” shall be substituted.

*Amendment
of Section 23
of 57 of 1994.*

3. In the said Act, in section 23, -

(i) in sub-section (1), for the words “three years”, the words “four years”, for the words “ten thousand rupees”, the words “fifteen thousand rupees” and for the words “five years”, the words “six years” shall be substituted.

(ii) in sub-section (3), for the words “three years”, the words “four years”, for the words “fifty thousand rupees”, the words “sixty thousand rupees” and for the words “five years”, the words “six years” shall be substituted.

*Amendment
of Section 25
of 57 of 1994.*

4. In the said Act, in Section 25, for the words, “three months”, the words “six months”, for the words “one thousand rupees”, the words “five thousand rupees” and for the words “five hundred rupees”, the words “one thousand rupees” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 is enacted for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide and for matter.

Sections 22, 23, and 25 provide for quantum of punishment and fine for the breach of the provisions of the Act. Section 23 provides for punishment for contravention in case of medical professionals and persons connected with the laboratory or clinics.

The quantum of punishment and the amount of fine at present seems inadequate and requires to be enhanced to certain extent to enhance the punishment as well as

25 of the aforesaid Act.

Hence, this Bill.

Gandhinagar
Dated the 1st February, 2016

DR. NIMABEN ACHARYA
M.L.A.

Gandhinagar
Dated the 25th February, 2016.

D. M. PATEL
Secretary,
Gujarat Legislative Assembly.

Annexure

Extract

Extract from the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994:-

Section 22: (1) No person, organisation, Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic shall issue or cause to be issued any advertisement in any manner regarding facilities of pre-natal determination of sex available at such Centre, Laboratory, Clinic or any other place.

(2) No person or organization shall publish or distribute or cause to be published or distributed any advertisement in any manner regarding facilities of pre-natal determination of sex available at any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or any other place.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees.

Explanation:- For the purposes of this section, "advertisement" includes any notice, circular, label wrapper or other document and also includes any visible representation made by means of any light, sound, smoke or gas.

Section 23: (1) Any medical geneticist, gynaecologist, registered medical practitioner or any person who owns a Genetic Counselling Centre, a Genetic Laboratory or a Genetic Clinic or is employed in such a Centre Laboratory or Clinic and renders his professional or technical services to or at such a Centre, Laboratory or Clinic, whether on an honorary basis or otherwise, and who contravene any of the provisions of this Act or rules made thereunder shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees.

(2) The name of the registered medical practitioner who has been convicted by the court under sub-section (1) shall be reported by the Appropriate Authority to the respective State

Medical Council for taking necessary act on including the removal of his name from the register of the Council for a period of two years for the first offence and permanently for the subsequent offence.

(3) Any person who seeks the aid of a Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic or of a medical geneticist gynaecologist or registered medical practitioner for conducting pre-natal diagnostic techniques on any pregnant woman (including such woman unless she was compelled to undergo such diagnostic techniques) for purposes other than those specified in clause (2) of section 4 shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees and on any subsequent conviction with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees.

Section 25: Whoever contravenes any of the provisions of this Act or any rules made thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one thousand rupees or with

~~CONVICTION FOR THE FIRST SUCH CONTRAVENTION.~~



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill Which was introduced on the 25th February, 2016 by Dr. Nirmalaben Wadhvani, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly rules for general information

GUJARAT BILL NO. 16 OF 2016.

THE GUJARAT PROHIBITION OF RAGGING BILL, 2016.

A BILL

to prohibit ragging in educational institutions in the State of Gujarat and for matters connected therewith.

WHEREAS, it is expedient to enact a special law to prohibit ragging in educational institutions in the State of Gujarat ;

It is hereby enacted in the Sixty-Seventh Year of Republic of India as follows :-

1. (1) This Act may be called the Gujarat Prohibition of Ragging Act, 2016.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may by Notification in the *Official Gazette*, appoint.

Short title,
extent and
Commence-
ment

Definitions. 2. In this Act, unless the context otherwise requires,-

- (a) "educational institution" means and includes a College, or other Institution by whatever name called, carrying on the activity or imparting education therein (either exclusively or among other activities); and includes an orphanage or a boarding home or hosted or a tutorial institution or any other premises attached thereto;
- (b) "head of the educational institution" means the Vice-Chancellor of the University, Dean of the Medical faculty, Director of the Institution, or the Principal, Headmaster or the person responsible for the management of the institution;
- (c) "ragging" means display of disorderly conduct, doing any act which causes or is likely to cause physical or psychological harm or raise apprehension or fear or shame or embarrassment to a student in any educational institution and includes.-
 - (i) teasing, abusing, threatening or playing practical jokes on, or causing hurt to, such student; or
 - (ii) asking a student to do any act or perform something which such student will not, in the ordinary course, willingly do.

Prohibition of ragging.

3. Ragging within or outside any educational institution is an offence punishable under this Act.

Penalty for ragging.

4. Any person who directly or indirectly commits, participates in, abets or propagates ragging within or outside any educational institution shall, on conviction, be punished with imprisonment for a term which may extend to two years and shall also be liable to a fine which may extend to ten thousand rupees.

Dismissal of student.

5. Person who is convicted under Section 4, is a student, he shall be dismissed from the educational institution and such student shall not be admitted in any other educational institution for a period of five years from the date of order of such dismissal.

6. (1) Whenever any student or, as the case may be, the parent or guardian, or a teacher of an educational institution complains, in writing of ragging to the head of the educational institution, the head of the educational institution shall without prejudice to the foregoing provisions, within seven days of the receipt of the complaint inquire into the matter mentioned in the complaint and if, prima-facie, it is found true, suspend the student who is accused of the offence, and shall, immediately forward the complaint to the Police-Station having jurisdiction over the area in which the educational institution is situated, for further action.

(2) Where, on inquiry by the head of the educational institution, It is proved that there is no substance, prima-facie, in the complaint received under sub-section (1), he shall intimate the fact, in writing, to the complainant.

(3) The decision of the head of the educational institution that the student has indulged in ragging under sub-section (1), shall be final.

7. If the head of the educational institution fails or neglects to take action in the matter specified in section 6 when a complaint of ragging is made, such person shall be deemed to have abetted the offence of ragging and shall, on conviction, be punished as per the provisions of section 4.

Deemed abetment.

8. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act. **Power to make rules.**
- (2) Rules made under this Section shall be laid before the State Legislature for a period of thirty days as soon as possible after they are made and shall be subject to such modifications or rescission as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (3) Any modification or rescission so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS

In recent year there has been a significant increase in the complaints of ragging in educational institutions. Ragging is a stigma on the educational institutions and it should be nipped in bud. Ragging causes physical or psychological harm or raise fear or shame to a student in any educational institution. It is, therefore expedient in the educational institutions interest to device Legislative measure.

Hense this Bill.

Gandhinagar.
Dated the 1st February, 2016.

DR. NIRMALABEN WADHWANI,
M. L. A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub clause (3) of clause (1) empowers the State Government to specify the date on which the Act shall come into force.

Sub clause (1) of clause (8) empowers the State Government to make rules to carry out the purposes of the Act.

The delegation of Legislative powers as aforesaid is essential and of normal character.

Gandhinagar.
Dated the 1st February, 2016.

DR. NIRMALABEN WADHWANI,
M. L. A.

Gandhinagar
Dated the 25th February, 2016.

D. M. PATEL
Secretary,
Gujarat Legislative Assembly.



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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

GUJARAT BILL NO. 17 OF 2016.

A BILL

further to amend the Gujarat Special Investment Region Act, 2009.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Special Investment Region (Amendment) Act, 2016.

Short title
and
commencement.

(2) It shall come in to force at once.

Guj. 2
of 2009.

2. In the Gujarat Special Investment Region Act, 2009, in section 10, after clause (iv), the following clauses shall be inserted, namely:-

Amendment
of section 10
of Guj. 2 of
2009.

“(iv-a) such persons not exceeding four in number who are members of the local authorities functioning in the Special Investment Region, as may be nominated by the State Government;

(iv-b) the Presidents of the District Panchayats functioning in the Special Investment Region;”.

STATEMENT OF OBJECTS AND REASONS

Section 4 of the Gujarat Special Investment Region Act, 2009 provides that a Special Investment Region declared under the Act except the village site area (*gamtal*) of a village panchayat, municipal area and municipal corporation area declared under the provisions of respective State laws shall cease to be under the jurisdiction of a local authority to the extent it relates to the provisions made in the said Act. Section 8 of the said Act provides for the constitution of Regional Development Authority whose powers and functions are as provided in section 15 of the said Act. Having regard to the powers and functions of the Regional Development Authority, it is considered necessary to have representation of the Presidents of the District Panchayats and the members of the local authorities functioning in the Regional Development Authority. It is, therefore, proposed to amend the provisions of section 10 thereby providing for appointment of members in Regional Development Authority so as to include the Presidents of the District Panchayats and not more than four in number, the members of the local authorities functioning in the Special Investment Region.

This Bill seeks to amend the said Act to achieve the aforesaid object.

Dated the 2nd March, 2016.

SAURABH PATEL,

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 2nd March, 2016.

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to

THE GUJARAT (SUPPLEMENTARY) APPROPRIATION BILL, 2016.

GUJARAT BILL NO. 18 OF 2016.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2016.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2016. Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum six thousand seven hundred twenty-seven crores fifty-eight lakhs, eighty-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2016, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
₹ 67, 27, 58,
82,000/- from
and out of the
Consolidated
Fund of the
State of Gujarat
for the financial
year 2015-2016.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE
(See sections 2 and 3)

Demand No. of Vote/Ap propriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2		3	4	5
1	Agriculture and Co- operation Department	Revenue	600000	0	600000
		Capital	4200000	0	4200000
2	Agriculture	Revenue	0	1279000	1279000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	10244000	0	10244000
4	Animal Husbandry and Dairy Development	Revenue	0	10241000	10241000
5	Co-operation	Capital	361339000	0	361339000
6	Fisheries	Revenue	130263000	0	130263000
7	Other Expenditure pertaining to Agriculture and Co- operation Department	Revenue	0	68000	68000
9	Education	Revenue	17022168000	21000000	17043168000
10	Other Expenditure pertaining to Education	Revenue	2299000	0	2299000

19	Other Expenditure pertaining to Finance Department	Revenue	1000	0	1000
20	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	0	14000	14000
22	Civil Supplies	Revenue	140268000	0	140268000
26	Forest	Revenue	0	3004000	3004000
30	Council of Ministers	Revenue	5016000	0	5016000
31	Election	Revenue	247446000	505000	247951000
32	Public Service Commission	Revenue	83439000	0	83439000
34	Economic Advice and Statistics	Revenue	385359000	0	385359000
35	Other Expenditure pertaining to General Administration Department	Revenue	0	1047000	1047000
		Capital	257782000	0	257782000
36	State Legislature	Revenue	34504000	0	34504000
38	Health and Family Welfare Department	Revenue	587000	0	587000
39	Medical and Public Health	Revenue	1380294000	17579000	1397873000
		Capital	1000	0	1000

Demand No. of Vote/Ap propriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2		3	4	5
40	Family Welfare	Revenue	362813000	0	362813000
43	Police	Revenue	136685000	2542000	139227000
46	Other Expenditure pertaining to Home Department	Revenue	440762000	98174000	538936000
		Capital	20900000	42529000	63429000
48	Stationery and Printing	Revenue	4921000	0	4921000
50	Mines and Minerals	Revenue	1013000	0	1013000
51	Tourism	Revenue	415000	0	415000
		Capital	0	4068000	4068000
52	Other Expenditure pertaining to Industries and Mines Department	Capital	247000	0	247000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	54346000	0	54346000
		Capital	581000	0	581000
59	Legal Department	Revenue	1300000	0	1300000
60	Administration of Justice	Revenue	0	2000	2000
61	Other Expenditure pertaining to Legal Department	Revenue	1000	3918000	3919000
62	Legislative and Parliamentary Affairs Department	Revenue	1962000	0	1962000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	150000	0	150000
66	Irrigation and Soil Conservation	Revenue	1000	0	1000
		Capital	2858878000	350000000	3208878000
67	Water Supply	Revenue	8000000	0	8000000
		Capital	230244000	0	230244000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	0	600000000	600000000
70	Community Development	Revenue	3291846000	0	3291846000
71	Rural Housing and Rural Development	Revenue	0	215993900 0	2159939000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development	Revenue	1512180000	0	1512180000
		Capital	3509000	0	3509000

Demand No. of Vote/Ap propriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2		3	4	5
	Department				
74	Transport	Revenue	1000	0	1000
75	Other Expenditure pertaining to Ports and Transport Department	Revenue	695900000	0	695900000
		Capital	738000	0	738000
79	Relief on account of natural calamities	Revenue	9840326000	0	9840326000
		Capital	5700000	0	5700000
81	Compensation and Assignments	Revenue	479000	525000	1004000
83	Roads and Buildings Department	Revenue	161000	0	161000
84	Non-Residential Buildings	Revenue	0	14916000	14916000
		Capital	3000	0	3000
86	Roads and Bridges	Revenue	2035324000	0	2035324000
		Capital	5000	0	5000
87	Gujarat Capital Construction Scheme	Capital	0	3298000	3298000

	Technology Department				
92	Social Security and Welfare	Revenue	1567084000	0	1567084000
		Capital	19209000	0	19209000
93	Welfare of Scheduled Tribes	Revenue	104247000	0	104247000
95	Scheduled Castes Sub- Plan	Revenue	568301000	0	568301000
96	Tribal Area Sub-Plan	Revenue	1271434000	10000000	1281434000
		Capital	2000	0	2000
101	Urban Housing	Revenue	98000	363944000	364042000
102	Urban Development	Revenue	5610448000	0	5610448000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	1000	0	1000
	Total:	Revenue	58701938000	3368697000	62110635000
		Capital	4805352000	399895000	5165247000
	Grand Total:		63507290000	3768592000	67275882000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 2016.

The amounts are shown below:

₹

(a)	Revenue Expenditure	62,11,06,35,000
(b)	Capital Expenditure	5,16,52,47,000
	Total :-	<u>67,27,58,82,000</u>

Dated the 2nd March, 2016.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat,

C. J. Gothi,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,
Dated the 2nd March, 2016.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 10th March, 2016 by Balvanthsinh Rajput, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly rules for general information.

THE GUJARAT ENTERPRISES SINGLE WINDOW ENABLING AND CLEARANCE BILL, 2016

A Bill

to provide for accelerated and time-bound grant of various licences, permissions and approvals and to enable an alternative single window clearance mechanism to be triggered in case of failure of competent authorities to act in time, to support an investor friendly environment in the State of Gujarat and for matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-seventh Year of the Republic of India, as follows:-

1. (1) This Act may be called the Gujarat Enterprises Single Window Enabling and Clearance Act, 2016.
- (2) It extends to the whole of the State of Gujarat.
- (3) It Shall come into force at once.

Short title, extent
and commencement

Definitions

2. In this Act, unless the context otherwise requires,-
- (a) "Bureau of Investment Promotion" means the Industrial extension Bureau (iNDEXTb) as declared under section 4;
 - (b) "Competent Authority" means any department or agency of the Government, Local Authority, Statutory Body, State owned Corporation, Gram Panchayat, Municipality, or any other authority or Agency constituted or established under any state law or under administrative control of the Government, which is entrusted with the powers and responsibilities to grant or issue permissions for setting up or commencement of operations of an enterprise in the State;
 - (c) "District Empowered Committee" means the District Empowered Committee constituted under section 3;
 - (d) "enterprise" means an industrial undertaking or a business concern or any other establishment, by whatever name called, engaged in the manufacture or production of goods, in any manner, or engaged in providing or rendering of any service or services;
 - (e) "Government" means the State Government of Gujarat;
 - (f) "investor" means any person who invests capital in any new enterprise or in an existing enterprise for expanding, modernizing or diversifying for securing income or profit or common social good;
 - (g) "Nodal Agency" means the Nodal Agencies referred to in section 5;
 - (h) "notification" means a notification published in the Gujarat Gazette and the word 'notified' shall be construed accordingly;
 - (i) "permission" means grant or issue of permission, no-objection certificate, clearance, allotment, consent, approval, registration, enrolment, licence and the like, by any Competent Authority in connection with the setting up of an enterprise in the State of GUJARAT and shall include all such permissions as are required under any state law until the enterprise commences its operation;
 - (j) "prescribed" means prescribed by the rules made under this Act;
 - (k) "State" means the State of Gujarat; and
 - (l) "State Empowered Committee" means the State Empowered Committee constituted under section 3.

Constitution, powers and functions of State Empowered Committee and District Empowered Committee.

3. (1) The Government may, by notification, constitute a State Empowered Committee to assist Council of Ministers in considering the proposals for benefits as mentioned in section 11 for the purpose of promoting investment and for setting up of enterprises in the State and to consider and dispose of applications for permission required under state laws in case the Competent Authority has failed to consider and dispose of such applications within the time limit prescribed under section 12.

(2) The State Empowered Committee shall examine the applications for giving concessions or grant exemption or relaxation from the provisions of any state law, take into consideration the comments of the departments, if any, hold discussions with the investors, wherever necessary and make recommendations to the Council of Ministers. The time limit for submitting recommendations to the Council of Ministers shall be such as may be prescribed under section 12.

(3) The Government may, by notification, constitute a District Empowered Committee for each district to consider and dispose of applications for permission required under state

section 12.

(4) Notwithstanding anything contained in any state law, the State Empowered Committee or, as the case may be, the District Empowered Committee shall, in case the Competent Authority has failed to process and dispose of such applications within the time limit prescribed under section 12, have the power to consider and dispose of applications for permission under any state law. For this purpose, references to the Competent Authority in such law shall be construed as including reference to the State Empowered Committee or, as the case may be, the District Empowered Committee:

Provided that where the Committee is unable to meet or otherwise unable to consider the application immediately, the Chairperson of the concerned Committee may, for reasons to be recorded in writing, decide the application and report the action taken to the Committee in its next meeting and the decision of the Chairperson, subject to any decision of the committee, on such application shall for all purposes be deemed to be the decision of concerned Committee under this section.

(5) The State Empowered Committee and the District Empowered Committee may be assigned such other functions as may be prescribed.

(6) Where permission is issued by State Empowered Committee or any of the District Empowered Committees under sub-section (4), State Empowered Committee or District Empowered Committee, as the case may be, may recommend to the Government for appropriate action against the concerned Competent Authority, which has failed to dispose of the application within the time limit prescribed under section 12.

**Declaration of
Bureau of
Investment
Promotion**

4. The Industrial Extension Bureau shall be the Bureau of Investment Promotion for the purposes of this Act.

Nodal Agency

5. (1) The Bureau of Investment Promotion shall be the Nodal Agency for the State Empowered Committee.

(2) The District Industries Centre shall be the Nodal Agency for the District Empowered Committee.

**Powers and
functions of
Nodal Agency**

6. Subject to the superintendence, direction and control of the Government and the State Empowered Committee or the District Empowered Committee, as the case may be, the powers and functions of the Nodal Agency shall be as follows:-

- (i) to assist the investors in completing the application forms, to acknowledge completed applications and forward such application to the concerned Competent Authorities for processing and disposal within the time limit prescribed under section 12;
- (ii) to monitor the status of applications and place the report of the status of applications before the State Empowered Committee or the District Empowered Committee, as the case may be;
- (iii) to place the application of the investor before the State Empowered Committee or the District Empowered Committee, as the case may be, for its decision, where the concerned Competent Authority has failed to consider and dispose of the application within the time limit prescribed under section 12;
- (iv) to receive applications for relaxations, exemptions and concessions as mentioned in section 11 from the investor;

- (v) to seek comments of the concerned departments or authorities on the application received from the investor for relaxations, exemptions and concessions as mentioned in section 11;
- (vi) to submit the comments of the concerned department or authority, if any, to the State Empowered Committee within the time limit prescribed under section 12;
- (vii) to submit the application received from the investor for relaxations, exemptions and concessions as mentioned in section 11, to the State Empowered Committee within the time limit prescribed under section 12, in case no comments are received from the concerned department or authorities in the prescribed time limit;

7. (1) The Competent Authority shall consider and dispose of the application forwarded to it by the Nodal Agency under clause (i) of section 6 within the time limit prescribed under section 12.

Obligations of
concerned
department or
authority

(2) The concerned department or authority shall provide comments sought by the Nodal Agency under clause (v) of section 6, within the prescribed time limit, and, if the concerned department or authority fails to provide comments within the

the requisite relaxations, exemptions and concessions as mentioned in section 11.

8. (1) The Government shall be competent to prescribe an application form, either in physical or electronic format, which may consist of-

Application
form

- (a) forms under Central laws ; and
- (b) existing forms or new forms in lieu of existing forms or modified forms under state laws.

(2) All departments or authorities concerned shall accept such application form for processing and issue of required permission.

(3) Every investor shall furnish a 'Self Certification', in the prescribed form, at the time of submitting application form to the Nodal Agency, certifying that he shall comply with the applicable provisions of the relevant laws. The Self Certification furnished by the investor shall be accepted by the Competent Authority for the purpose of issuing and granting permission.

**Filing of
application**

9. (1) All applications for permissions shall be submitted in the prescribe dmanner to the Nodal Agency mentioned in sub-sections (1) and (2) of section 5.

(2) For the purpose of availing customized packages, concessions, exemptions or relaxations as provided in section 11, the application shall be submitted to the Nodal Agency mentioned in sub-section (1) of section 5.

(3) The application under sub-section (1) and (2) shall be in such form and be accompanied with such fees as may be prescribed.

**Power of
Competent
Authority to call
for additional
information.-**

10. (1) On receipt of an application for permissions, the Competent Authority shall have powers to obtain additional information, if required, from the applicant:

Provided that the additional information under this section shall be requisitioned only once and requisition letter shall be sent through the Nodal Agency.

(2) The applicant shall furnish the required information to the concerned Nodal Agency.

(3) The Competent Authority shall, after sanctioning or rejecting, with reasons, the application, send its orders to the concerned investor and endorse a copy thereof to the concerned Nodal Agency.

**Grant of
customized
packages,
concessions,
exemptions or
relaxations**

11. The Government may, with a view to facilitate investment in the State, grant customized packages, concessions, exemptions or relaxations to any enterprise or category of enterprises in the State, subject to such conditions as it may deem fit, where the Government, or any other authority subordinate to it, is empowered under any state Law to grant such customized packages, concessions, exemptions or relaxations.

**Time limits for
processing of
applications**

12. (1) Notwithstanding anything contained in any state law, policy or orders for the time being in force, the Government may prescribe time limit for processing and disposal of applications by the Competent Authority.

(2) The Government may prescribe time limit for Nodal Agency to process the application and the comments from the Competent Authority, concerned department or authority, and submissions of the same to the State Empowered Committee and District Empowered Committee, as the case may be.

(3) The Government may prescribe time limit for the State Empowered Committee for submitting its recommendations to the Council of Ministers.

13. Any investor aggrieved by the orders of -**Appeal**

- (i) the Competent Authority may appeal to the State Empowered Committee;
- (ii) the District Empowered Committee may appeal to the State Empowered Committee;
- (iii) the State Empowered Committee may appeal to the Government,-

within thirty days from the date of the receipt by the investor of the order appealed against.

14. (1) Notwithstanding anything contained in any state law, the Government may, either *suomotu* or on an application made to it in this behalf, call for the record of any proceeding before any Competent Authority or the State Empowered Committee or a District Empowered Committee and examine the propriety of the proceedings or orders passed therein so as to ensure that the orders are not against public policy nor against the provisions of law and make therein such orders as it

Revision

~~within three months in cases of grant of permissions.~~

(2) The orders passed by the Government under this section shall be final and shall be binding on all concerned.

15. The class of investment for which or investment limits up to which the State Empowered Committee or a District Empowered Committee shall have jurisdiction to consider and dispose of applications for permission under section 3 shall be such as may be prescribed.

Jurisdiction of the State Empowered Committee and the District Empowered Committee

16. No suit, prosecution or legal proceedings shall lie against the Chairperson or other members of State Empowered Committee or District Empowered Committee or any employee of the Government acting under the direction of such committee in respect of anything which, in good faith, is done or intended to be done under this Act or any rules made thereunder.

Protection of action taken in good faith

Confidentiality

17. No agency or authority of the Government or, any local authority, including any functionaries thereunder, shall disclose to any other investor or to a person not duly authorized, any information forming the intellectual property of the investor without the consent of such investor:

Provided that all information in respect of the terms and conditions of the investment made in the State and the facilities, if any, provided to the investor by the Government or any of its agencies or authorities, or by any local authority, shall be notified by the Government for information of the public.

Transitional provisions

18. The provisions of this Act shall apply to all investment proposals that have been under consideration of the Government or any of its agencies, authorities or undertakings on the date of commencement of this Act, if the concerned investor so opts by submitting an application to the Nodal Agency in the prescribed form and manner.

Act to override other laws

19. Save as otherwise provided in this Act, the provisions of this Act shall have overriding effect, notwithstanding anything in consistent there with contained in any other state law, for the time being in force, or any custom or usage or any instrument having effect by virtue of any such law.

Power to remove difficulty

20. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no order under this section shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before the House of the State Legislature.

Power to make rules

21. (1) The Government may, by notification, make rules generally for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than thirty days, which may be comprised in one session or in two successive sessions and, if before the expiry of the session in

which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

STATEMENT OF OBJECTS AND REASONS

Single Window Scheme was in operation in State since 2015

It had become imperative to provide for accelerated and time-bound grant of various licences, permissions and approvals and to enable an alternative single window clearance mechanism to be triggered in case of failure of competent authorities to act in time, to support an investor friendly environment in the State of Gujarat and it was expedient to create an environment for accelerated implementation of investment projects in the State by providing a single window enabling and clearance mechanism.

Hence the Bill.

Gandhinagar.

Dated the 3rd February, 2016.

Balvantsinh Rajput

M.L.A.

**MEMORANDUM REGARDING DELEGATED
LEGISLATION**

The following Clauses of the Bill, if enacted shall empower the State Government to make rules with regard to the matters mentioned against such clauses, namely:-

- | Clause | with respect to |
|---------------|---|
| 3(5) | prescribing other functions to be assigned to the State Empowered Committee and the District Empowered Committee; |
| 7(2) | prescribing period within which the concerned departments or authorities shall provide comments sought by the Nodal Agency under clause (v) of section 6; |
| 8 | prescribing an application form either in physical or electronic format in which the investor will submit his application to the concerned Nodal Agency and prescribing a form for 'Self Certification', to be submitted by the investor along with application form to the Nodal Agency; |
| <hr/> | |
| | PERMISSIONS SHALL BE SUBMITTED TO THE NODAL AGENCY AND THE TCS
which is to be accompanied with the application form; |
| 12 | prescribing time limit for processing and disposal of applications by the Competent Authority, for Nodal Agency to process the application, seeking comments from Competent Authority, concerned departments or authority and submissions of the same to the State Empowered Committee and District Empowered Committee, as the case may be and for the State Empowered Committee for submitting its recommendations to the Council of Ministers; |
| 15 | prescribing the class of investment for which or investment limits up to which the State Empowered Committee or a District Empowered Committee shall have jurisdiction to consider and dispose of applications for permission; |

- 18 prescribing the manner and form in which an investor may file option under that section by submitting an application to the Nodal Agency ; and
- 21 empowering Government to make rules generally for carrying out the purposes of this Act, by Notification.

The proposed delegation is of normal character and mainly relates to the matters of detail.

Gandhinagar.

Dated the 3rd February, 2016.

Balvantsinh Rajput

M.L.A.

Gandhinagar.

Dated the 10th March, 2016.

D. M. PATEL,

Secretary,

Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 10th March, 2016 by Manibhai Vaghela M.L.A. is Published under rule 127A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No. 20 of 2016

THE GUJARAT PUBLIC ENTERPRISES

to provide for the constitution of a Commission for the selection of staff for appointment to posts in public enterprises and for matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Public Enterprises Service Commission Act, 2016.

short title and Commencement.

(2) It Shall come into force on such date as the State Government may, by notification in the *Official Gazette* appoint.

2. In this Act, unless the context otherwise requires:-

Definitions.

(a) "chairman" means the Chairman of the Commission.

(b) "commission" means the Gujarat Public Enterprises Service Commission constituted under sub-section (1) of section 3;

(c) "Government" means the Government of Gujarat;

(d) "notification" means notification published in the *Official Gazette* and the word "notified" shall be construed accordingly;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "public enterprises" means a public enterprise of the State of Gujarat whether created by law or registered under any law for the time being in force.

Constitution of the Gujarat Public Enterprises Service Commission

3. (1) The State Government may, by notification, constitute a Commission by the name of the Gujarat Public Enterprises Service Commission.

(2) The Commission shall be a body corporate having perpetual succession and a common seal, shall sue and shall be sued by the said corporate name.

(3) The Headquarters of the Commission shall be located at such place as may be prescribed by the Government.

Constitution of the Commission.

4. (1) The Commission shall consist of not less than three and not more than nine members of whom one shall be the Chairman, to be appointed by the State Government.

(2) The Chairman and Members shall be persons who, in the opinion of the Government are man of ability, integrity and understanding and have special knowledge of or practical experience in the public administration or personnel management or industrial management.

Terms and conditions of service of Chairman and members.

5. (1) The Chairman or any other member of the Commission shall hold office for a term of three years from the date on which he enters upon his office;

Provided that a person who has held office as Chairman or other member shall, on the expiration of his term of office, be eligible for appointment for another term of three years only:

Provided further that no person who has attained the age of sixty two years shall be eligible to hold office in any capacity, whether as Chairman or other member.

(2) If the office of the Chairman or any other member becomes vacant by resignation or otherwise or if the Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall until some person is appointed to the vacant office, or, as the case may be, until the Chairman has assumed his duties, be performed by such one of the other members as the Government may appoint for the purpose.

(3) The Chairman or any other member may resign his office, by writing under his hand, addressed to the Government but he shall continue in office, until his resignation is accepted by the Government.

(4) The salary of the Chairman and other members shall be such as may be prescribed by the Government and the other terms and conditions of service shall be such as may be prescribed.

Removal of Chairman or members.

6. The Government may, after making an inquiry in such manner as may be prescribed, remove the Chairman or any other member from his office on any one of the following grounds: -

- (a) misconduct involving moral turpitude;
- (b) insolvency;
- (c) infirmity of mind or body or
- (d) engages during his term of office in any paid employment outside the duties of his office.

7. (1) The Staff of the Commission shall consist of:-

**Staff of the
Commission.**

- (a) Secretary, who shall be appointed by the Government; and
- (b) Such other employees as the Commission may, with the previous approval of the Government, appoint from time to time.

(2) The salary of the Secretary and other employees of the Commission shall be such as may be prescribed.

(3) The other terms and conditions of service of the Secretary and employees of the commission shall be such as may be prescribed.

8. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Commission to select persons for appointment to the posts in the public enterprises.

**Functions of
the
Commission.**

(2) It shall be the duty of the Commission to advise the public

~~It shall be the duty of every public enterprise to communicate~~ to the Commission the vacancies existing at the commencement of this Act and estimated total number of vacancies in the public enterprises and such communication shall be sent in respect of all such existing and estimated total number of various vacancies and which are likely to occur during the unexpired portion of the year, within one month after such commencement and in respect of all vacancies such as are likely to occur during each subsequent year within one month after the commencement of such year

**Duty of Public
Enterprises to
Communicate
to Commission.**

10. (1) The manner of selection of the persons for the appointment to the public enterprise shall be such as may be provided for by regulations.

**Manner of
selection of the
persons and
procedure for
the conduct of
the business of
the
Commission.**

(2) The procedure for the conduct of business of the Commission shall be such as may be provided for by regulations.

11. It shall be the duty of the Commission to make recommendations to each of the public enterprises in such manner as may be specified by regulations for appointments to fill the vacancies, communicated to it by such public enterprises.

**Duty of
Commission to
make
recommendation.**

Communi-
cated
vacancies to
be filled
only on the
recommen-
dation of
Commission

12. (1) Appointments to all the vacancies required to be communicated to the Commission under section 9 shall, on or from such date as the Commission may notify in respect of each public enterprises be made by such public enterprise only on the recommendations of the Commission.

(2) If in any year, the Commission is unable to make recommendations for appointment to all the vacancies communicated to it by a public enterprise under section 9, or if the public enterprise is unable in any year to make appointments on the bases of the recommendations made by the Commission, the vacancies may be carried forward to the subsequent year.

Effect of
recom-
mendation of
the
Commission.

13. Notwithstanding anything contained in any other law for the time being in force, or in any contract, custom or usage to the contrary, appointments to the posts in public enterprises shall be made on the recommendations of the Commission.

Power to
call for
record.

14. The Commission may, call for any record, report or any other information from any public enterprises if in its opinion, such record, report or other information is necessary for the efficient discharge of its functions, and the public enterprise shall furnish such record, report or other information to the Commission.

Obligations
as Secrecy.

15. The Chairman and members and the Secretary and other employees of the Commission shall maintain strictest secrecy regarding the affairs of the Commission and shall not divulge, directly or indirectly any information of a confidential nature to members of the public unless compelled to do so by any judicial or other authority or unless instructed to do so by superior officer in the discharge of his duties

Chairman,
members etc.
to be public
servants
under Act
XLV of 1860.

16. The Chairman, members, the Secretary and other employees of Commission appointed under this Act, shall while acting or purporting to act under this Act be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Proceedings
not to be
invalidated
by reasons
of
vacancies
etc. in the
commission
or its
committees.

17. No act or proceeding of the Commission or any of its committees shall be deemed to be invalid by reason or on the ground that the Chairman of the Commission or any member of the Commission or committee, as the case may be, was not entitled to hold or continue in such office, or by reason of such act or proceeding having been done or conducted during the period of any vacancy in office of the Chairman of the Commission or any of the members of the Commission or Committee, as the case may be.

Protection
of action
taken in
good faith.

18. No suit, prosecution or other legal proceedings shall lie against any person for anything, which is in good faith done or intended to be done under this act..

19. (1) The State Government may by, notification in the Official Gazette, make rules for carrying out the purposes of this Act.

**Power of
State
Government
to make
Rules.**

(2) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid, or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

20. (1) The Commission may, by notification in the Official Gazette, make regulations with the previous approval of the State Government for carrying out the purposes of this Act.

**Power of
Commission
to make
Regulations.**

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) the terms and conditions of services of the employees of the

(c) the procedure for the conduct of business of the Commission under sub-section (2) of section 10;

(d) the income and expenditure, budget accounts and audit and annual report of the Commission.

STATEMENT OF OBJECTS AND REASONS

At present each public enterprise (i.e. Government Company, Corporation etc.) selects, its staff in its own ways. There are so many complaints regarding irregularities and malpractices in the selection of staff. Some times, method of Selection of Staff is also not scientific. With a view, therefore to avoiding complaints regarding irregularities and malpractices in the selection of the staff for the public enterprises it is considered necessary to establish a Gujarat Public Enterprises Service Commission. The following notes on clauses explain the important provisions of the Bill:-

Clause 3. - This clause provides for the constitution of the Gujarat Public Enterprises Service Commission, which shall be a body corporate having perpetual succession.

Clause 4. - This clause provides for the constitution of the Commission with members not less than three and not more than nine.

Clause 5. - This clause provides for terms and conditions of the Office of Chairman and Members.

Clause 6. - This clause provides for the removal of chairman or members on certain grounds.

Clause 8. - This clause provides for the functions of the Commission.

Clause 9. - This clause imposes the duty on the Gujarat Public Enterprises to communicate the vacancies in the Public Enterprises to the Commission.

Clause 12. - This clause provides that the vacancies in a public enterprise shall be filled only on the recommendation of the Commission.

Clause 16. - This clause provides that the chairman, members and other staffs shall be public servants within the meaning of the Indian Penal Code.

Clause 18. - This clause is immunity clause.

Clause 19. - This clause provides for the powers of the State Government to make rules for carrying out the purposes of this Act.

Dated 9th February, 2016
Gandhinagar.

MANIBHAI VAGHELA
M.L.A.

FINANCIAL MEMORANDUM

Sub-clause (4) of Clause 5 provides for the salary and allowances and other conditions of service of the Chairman and other members of the Commission.

Sub-clause (2) and (3) of Clause 7 provide for the salary and other terms and conditions of services of the Secretary and other employees of the Commission. These provisions if enacted and brought into operation would involve an estimated annual expenditure of about rupees twenty lakhs from the Consolidated Fund of the State out of which about rupees ten lakhs would be of a recurring nature and about rupees ten lakhs would be of a nonrecurring nature.

Dated 9th February, 2016
Gandhinagar.

MANIBHAI VAGHELA
M.L.A.

Gandhinagar.
Dated 9th February, 2016

D. M. PATEL
Secretary,
Gujarat Legislative Assembly.



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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill which was introduced on the 10th March, 2016 by Manibhai Vaghela, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 21 OF 2016

A BILL

to provide for adequate representation of Scheduled Castes and Scheduled Tribes in posts and services under the State.

It is hereby enacted in the Sixty seventh Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 2016.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise, requires,—

Definitions.

(a) "Prescribed" means prescribed by rules made under this Act,

(b) "recruitment year" means the financial year during which a recruitment is actually made.

(c) "reservation" means reservation of vacancies in post and services for the Scheduled Castes and Scheduled Tribes.

(d) "Scheduled Castes" shall have reference to the Scheduled Castes specified in the Constitution (Scheduled Castes) Order, 1950 made under Article 341 of the Constitution of India and as amended from time to time.

(e) "Scheduled Tribes" shall have reference to the Scheduled Tribes specified in the Constitution (Scheduled Tribes) Order, 1950 made under Article 342 of the Constitution of India and as amended from time to time.

(f) "Select list" means the list of candidates arranged in order of precedence prepared according to the rules and orders issued by the State Government in that behalf and adopted by the competent authority or making appointment in respect of initial recruitment and promotions.

(g) "State" means the Government of the State of Gujarat.

Applicability

3. This Act shall apply to,-

(1) All appointments to the posts and services under the State except,—

- (a) those meant for conducting or guiding or directing research;
- (b) those classified as scientific posts;
- (c) those filled up on the basis of any contract;
- (d) ex-cadre posts;
- (e) those which are filled up by transfer or deputation;
- (f) such other posts the State Government may, from time to time by order specify :

Provided that all orders made under clause (f) shall, as soon as after they are made, be laid before the State Legislature for not less than thirty days which may be comprised in one or more sessions.

- (2) all appointments to the district level posts,
- (3) all appointments in the Panchayats, Boards and Corporation constituted by the State Government.
- (4) all appointments in instructions aided by the State Government.
- (5) all other appointments, which the State Government may specify from time to time.

Reservation and the percentage thereof.

4. (1) Except as otherwise provided in the Act, this vacancies reserved for the Scheduled Castes and the Scheduled Tribes shall not be filled up by candidates not belonging to the Scheduled Castes and Scheduled Tribes.

(2) The reservation of vacancies in posts and services shall be at such percentage of the total number of vacancies as the State Government may, from time to time by order determine;

Provided that-

(a) in the case of initial recruitment the percentage so determined shall, in no case be less than the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes as the case may be in the total population of the State,

(b) in the case of initial recruitment the district, level posts, the percentage so determined, shall, in no case be less than the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes as the case may be, in the total population of that district and in no case be less than the percentage of persons belonging to the

Scheduled Castes or the Scheduled Tribes as the case may be, in the total population of the State.

(c) save as otherwise provided in this Act, in the case of appointment by way of promotions the percentage of reservation shall be such as is laid down in paragraphs (a) and (b).

Explanation.— The expression "population" means the population as ascertained at the last census for which the relevant figures have been published.

5. (1) The State Government shall prescribe model roster indicating the number of vacancies to be reserved for the Scheduled Castes and Scheduled Tribes and the number of vacancies to be left unreserved. **Model Roster.**

(2) The appointing authorities shall maintain roster in the prescribed form.

(3) The roster shall be consulted for ascertaining the number of reserved vacancies only but the appointment shall be made in accordance with the order of precedence as shown in the select list.

6. If, in any recruitment year, the number of candidates other from Scheduled Castes or Scheduled Tribes is less than the number of vacancies reserved for them the remaining vacancies may be filled up by general candidates after dereserving the vacancies in the prescribed manner, but the vacancies so dereserved shall be carried forward to the subsequent three years of recruitment. **Carry forward of reservation and dereservation.**

7. For initial appointments for the candidates belonging to Scheduled Castes and Scheduled Tribes.— **Relaxation and concessions**

for others.

(c) travelling allowance to attend competitive written examination and oral interview shall be paid at such rates as may be prescribed by the State Government.

(d) percentage of passing the competitive and departmental examinations shall be relaxed by 5 percent.

8. (1) For recruitment through employment exchange the number of vacancies reserved for Scheduled Castes and Scheduled Tribes shall be specified in the requisition to be sent to the employment exchange against the total number of vacancies. **Mamber of initial recruitment.**

(2) For recruitment to be made through the Gujarat Public Service Commission or any Selection Board on the basis of competitive examination or interview the advertisement shall specify the number of vacancies reserved for Scheduled Castes and Scheduled Tribes against the total number of vacancies.

(3) The Scheduled Castes and Scheduled Tribes candidates shall be recruited to the extent of the reserved vacancies if they possess the minimum qualifications required for the posts or services.

(4) If the required number of Scheduled Castes and Scheduled Tribes candidates are not available for filling up the reserved vacancies, a fresh recruitment shall be made only from candidates belonging to the Schedules Castes or Scheduled Tribes, as the case may be, for filling up the remaining reserved vacancies.

(5) If after making such fresh recruitment candidates belonging to the Schedule

Castes or Scheduled Tribes are still not available or if the number of such candidates is less than the number of reserved vacancies, the vacancies which remain unfilled shall be filled up by general candidates in accordance with the procedure laid down in section 6.

(6) For district level posts if the candidates belonging to Schedules Castes or Scheduled Tribes, as the case may be, are not available in the district employment exchange in sufficient number at the time of initial recruitment, the employment exchange of other district where there is large population of Schedules Castes or Scheduled Tribes, as the case may be, shall be consulted.

Promotion
based on
seniority
cum-fitness.

9. (1) Where promotion is to be made on the basis of seniority subject to fitness, the Schedule Castes and Scheduled Tribes officers shall be promoted to the next higher post or grade against reserved vacancies provided they possess the minimum qualifications and experience required for such promotion.

(2) The number of reserved vacancies shall be determined on the basis of the reserved points shown in the roster maintained under Section 5.

Promotion
based on
selection.

10. Where promotion is to be made on the basis of selection and the element of direct recruitment does not exceed fifty percent the procedure for filling up of the reserved vacancies shall be such as may be prescribed and the number of reserved vacancies shall be determined on the basis of the reserved points shown in the roster maintained under Section 5.

Selection
from
different
services.

11. Where selection is to be made from different services the recruitment or appointing authority shall select Scheduled Castes and Scheduled Tribes candidates to the extent of reserved quota, provided such candidates satisfy the minimum conditions of suitability qualification and experience laid down in respect of the post concerned.

Submission
of annual
report,
maintenance
of other
records and
inspection
thereof.

12. (1) Every appointing authority shall furnish to the State Government annual report in the prescribed manner by the end of the month of June of the succeeding financial year and maintain such other records as may be prescribed.

(2) Any officer authorised by the State Government in that behalf may inspect any record or documents and require the appointing authority to produce the roster and other records relating to appointments made by it and which are maintained in its office.

(3) It shall be the duty of the appointing authority to produce such records and documents, furnish such information and afford all such assistance and facilities as may be necessary for the aforesaid purpose.

Nomination
of Liaison
officer.

13. In each department of the State Government an officer not below the rank of an Under Secretary authorised by the Secretary of the department in that behalf shall act as Liaison Officer in respect of the matter provided in this Act who shall be specially responsible for -

(a) ensuring ; -oper implementation of the provisions of this Act and the rules made thereunder,

(b) ensuring compliance by the subordinant authorities.

(c) ensuring timely submission of returns,

(d) conducting annual inspections of rosters and such other record as may be prescribed,

(e) acting as Liaison Officer between the administrative department and the Social Welfare Department,

(f) ensuring necessary assistance to the Social Welfare Department in the investigation of complaints received from individuals or organisations belonging to Scheduled Castes and Scheduled Tribes.

Constitution
of standing
Committee.

14. (1) There shall be a Standing Committee consisting of the following members, namely:—

- (a) The Minister for Social Welfare—Chairman.
- (b) Three members of the Gujarat Legislative Assembly to be elected in such manner as may be determined by the Speaker of the Gujarat Legislative Assembly—Member.
- (c) The Chief Secretary to Government—Member.
- (d) The Secretary to Government, Home Department—Member.
- (e) The Chief Secretary to Government, Social Welfare Department Member Secretary :

Provided that on issue of a proclamation under Article 356 of the Constitution of India the composition of the committee may be altered by the State Government to such extent as it may deem fit.

15. (1) The Committee shall meet at least thrice a year and the period the standing between any two meetings shall not be more than six months. Function of the standing Committee
- (2) The Committee shall perform the following functions, namely :—
- (i) review of the implementation of the provisions of this Act and rules made thereunder,
 - (ii) suggest measures for the removal of difficulties in such implementation or for the improvement thereof and
 - (iii) such other functions as the State Government may from time to time assign to the Committee.
16. The State Government shall prepare an annual report on the working of the Act and lay the same before the State Legislature for a period of not less than fifteen days in Annual Report

grievances.

18. (1) The State Government may, by notification in the *Official Gazette* (after previous publication), make rules to carry out all or any of the purposes of this Act. Rule making power.
- (2) In particulars and without prejudice to the generality of the foregoing powers, the State Government may make rules in respect of all matters expressly required or allowed by this Act to be prescribed.
- (3) All rules made under this Act, shall as soon as may be after they are made, be laid before the State Legislature for not less than thirty days which may be comprised in one or more sessions and if during the said period, the State Legislature makes any modifications therein, the rules shall thereafter have effect only in such modified form so however that such modifications shall be without prejudice to the validity of any thing previously done under the rules.
19. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law or in any rule, order or resolution made by the State Government. Overrinding effect of the Act.

STATEMENT OF OBJECTS AND REASONS.

According to Constitutional provisions, the State Government have made several administrative orders for implementation of policy of reservation for Scheduled Castes and Scheduled Tribes. But due to lack of effective control the provisions of such administrative order could not be strictly implemented and the employees belonging to Scheduled Castes and Scheduled Tribes have to face injustice many a time. This Bill, therefore, provides for the effective implementation of the policy.

Gandhinagar
Dated the 9th February 2016.

MANIBHAI VAGHELA,
M.L.A.

FINANCIAL MEMORANDUM

Clause 14 of the Bill requires the State Government to constitute standing committee and Clause 15 requires atleast three meeting to be held in a year, clause 17 requires the State Government to make available legal aids to employees belonging to Scheduled Castes and Scheduled Tribes at the prescribed rates. It is estimated that the expenditure to be involved from the Consolidated Fund of the State in regard to above provisions would be about rupees two lakhs per annum.

Gandhinagar
Dated the 9th February 2016.

MANIBHAI VAGHELA,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (3) of Clause 1, empowers the State Government to appoint by notification in the Official Gazette the date on which the Act shall come into force.

Paragraph (f) of sub-clause (1) of clause 3 empowers the State Government to specify by order posts other than those specified in the sub-clause,

Sub-clause (3) of clause 3 empowers the State Government to specify from time to time appointments other than those specified in the preceding sub-clauses.

Sub-clause (2) of clause 4 empowers the State Government to determine the percentage of reservation of vacancies in posts and services.

Sub-clause (1) of clause 5 empowers the State Government to prescribe model roster.

Sub-clause (2) of clause 5 empowers the State Government to prescribe form for maintaining roster.

Clause 6 empowers the State Government to prescribe manner for filling up reserved vacancies by general candidates in case the number of candidates from Scheduled Castes and Scheduled Tribes is less than the number of vacancies reserved for them.

Paragraph (c) of clause 7 empowers the State Government to prescribe rates of travelling allowance to be paid to the candidates belonging to the Scheduled Castes and Scheduled Tribes for attending competitive examination or oral interviews.

Clause 10 of the Bill empowers the State Government to prescribe procedure for filling up the reserved vacancies where promotion is to be made on the basis of selection and the element of direct recruitment does not exceed fifty percent.

Sub-clause (1) of clause 12 empowers the State Government to prescribe a manner for furnishing annual report to the State Government and to maintain other

Paragraph (b) of clause 14 empowers the Speaker of the Gujarat Legislative Assembly to determine manner for electing members of the Assembly on the Standing Committee.

The proviso to clause 14 empowers the State Government to alter the composition of the Standing Committee on issue of proclamation under Article 356 of the Constitution to such extent as it may deem fit.

Paragraph (iii) of sub-clause (2) of clause 15 empowers the State Government to assign to the Standing Committee other functions from time to time.

Clause 17 of the Bill empowers the State Government to prescribe rates for making available legal aid to the employees belonging to the Scheduled Castes and Scheduled Tribes.

Sub-clause (1) of clause 18 empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid is essential and of normal character.

Gandhinagar
Dated the 9th February 2016.

MANIBHAI VAGHELA,
M.L.A.

Gandhinagar,
Dated the 10th March, 2016.

D.M. PATEL,
Secretary,
Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 10th March, 2016 by Shri Shailesh Parmar, M.L.A. is Published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 22 OF 2016

SERVICES UNDER THE STATE) BILL, 2016.

A BILL

to provide for the reservation of seats in educational institutions in the State and of appointments and posts in the services under the State for economically backward classes and for matters connected therewith or incidental thereto.

WHEREAS the Preamble to the Constitution of India has among other things emphasized on securing to all citizens justice, economical and political, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and promoting them among all,

AND WHEREAS Article 38(2), Directive Principles to the State Policy, states that the State shall, in particular, strive to minimize inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations,

AND WHEREAS the Union Government and the State Govt. as such have adopted policy for advancement of backward classes. As a result, the Union Govt. has constituted at the central level. A separate Commission for Scheduled Tribes and Scheduled Castes and the Gujarat Govt. has also constituted at the state level a Commission for Socially and Educationally backward Classes and Nomadic Tribes and De-notified Tribes for advancement of people belonging to these categories,

AND WHEREAS the policy of reservation for the advancement of the people belonging to Scheduled Castes, Scheduled Tribes and Socially and Educationally backward Classes including Nomadic Tribes and De-notified Tribes in the educational institutions and in appointments and posts in the services under the State has been under implementation since long,

AND WHEREAS as a result of such policy a large percentage of population of Gujarat who was suffering from social and educational backwardness for many years have now been able to get opportunities for inclusive growth and to improve their lot and attain a high standard of living,

AND WHEREAS, a significant percentage of population, who have not been covered under either of the reservation policies, is feeling that very injustice has been done to them by not covering them under either category of reservation even if they are economically backward than the rest. The poorest class people of the unreserved category, due to their economic weakness, are unable to compete with the affluent class people, as a result of which they are gradually becoming socially and educationally backward day by day. It is therefore, the need of the hour to identify and examine the requirements of those economically backward class people of general categories who are not covered under the existing reservation benefits available to the Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes including Nomadic Tribes and De-notified Tribes,

AND WHEREAS looking to the extra ordinary situation prevailing in the State since last year, extension of reservation in admissions to educational institutions and in appointments and posts in the services under the State to economically backward people in the State has to be ensured for their advancement, continuing the existing policy of the State of reservation for Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes and Nomadic and de-notified Tribes,

NOW THEREFORE it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the Gujarat Economically Backward Classes (Reservation of Seats in Educational Institutions in the State of Appointments and Posts in Services under the State) Act, 2016.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.
2. In this Act, unless the context otherwise requires-
 - (a) 'Committee' means the committee appointed by the State Government under section 6 of this Act;
 - (b) 'Economically Backward Classes' means the classes consisting of persons not included in any other category of reservation, declared as such by the State Govt. by notification in the official gazette, for the purposes of this Act;
 - (c) 'prescribed' means prescribed by rules made under this Act;
 - (d) 'Services under the State' means the public services and posts in connection with the affairs of the State and includes the services and posts in;
 - (i) Any local authority,

Definitions

- (ii) Any corporation or company owned or controlled, wholly or substantially, by the State Government,
- (iii) Any other authority or body constituted by or under an Act of the State Legislature and funded, wholly or substantially, by the State Govt.; and
- (iv) Respect of which reservation was applicable by Government orders on the date of commencement of this Act and which are not covered under sub-clauses (i) to (iii);

3. The reservation in respect of the annual permitted strength for admission into such educational institutions and courses in the State, as may be prescribed, for Economically Backward Classes, shall be twenty percent.

Reservation of seats in educational institutions and courses

4. (1) The reservation of appointments and posts in the services under the State for the Economically Backward Classes shall be twenty percent.

Reservation of Appointments and posts in the services under the State

(2) Notwithstanding anything contained in sub-section (1), reservation in matters of promotion shall be only for the Scheduled Castes and Scheduled Tribes.

5. Notwithstanding anything contained in section 4, the reservation in matters of promotion shall be only for the Scheduled Castes and Scheduled Tribes.

NOTWITHSTANDING ANYTHING CONTAINED IN SECTION 4, THE RESERVATION IN MATTERS OF PROMOTION SHALL BE ONLY FOR THE SCHEDULED CASTES AND SCHEDULED TRIBES.

6. (1) A committee consisting of not more than five eminent and expert persons shall be appointed by the State Government within thirty days of the coming into force of this Act.

Committee

(2) The chairman of the committee shall be appointed by the State Government.

7. (1) The committee after considering all the aspects suggest a criteria to be fixed for identifying and recognizing the economic backwardness for considering the reservation.

Functions of the committee

(2) The committee shall also consider suggestions received from public and tendered by the State Government.

8. (1) The committee shall submit its report to the State Government within sixty days of the constitution of the committee.

Report of the Committee

(2) The State government shall cause it to be laid before the State Legislature in the session immediately following.

9. (1) The remuneration, pay and allowances to be paid to the chairman and the members shall be such as may be prescribed by the State Government.

Pay and allowances and secretarial facilities

(2) The State Government shall render all the secretarial and other facilities to the committee at once.

Power to make rules 10. (1) The State Government may, make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid, as soon as may be after they are so made, before the house of the State Legislature, while it is in session, for a period of not less than thirty days, which may be comprised in one session or in two successive sessions and, if before the expiry of the sessions in which they are so laid or of the sessions immediately following, the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rules thereafter shall have effect only in such modified form or be of no effect, as the case may be, so however that any modification or annulment shall be without prejudice to the validity of anything previously done there under.

Removal of difficulties 11. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the official Gazette, do anything, not inconsistent with the provisions of this Act, which appears to it necessary or expedient for removing the difficulty;

Provided that no order under this section shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is so made, before the house of the State legislature.

Protection of action taken in good faith 12. No suit, prosecution or other legal proceedings shall lie against any authority or person for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or the rules made there under.

Savings 13. (1) The existing reservation for Scheduled Castes, Scheduled Tribes and Socially and Educationally backward Classes and Nomadic Tribes and De-notified Tribes shall be continued.

(2) Nothing in this Act shall have effect to the existing provisions for reservation for Scheduled Castes, Scheduled Tribes or Socially and Educationally Backward Classes and Nomadic Tribes and De-notified Tribes.

STATEMENT OF OBJECTS AND REASONS.

The policy of reservation for the social, economic and educational advancement of the people belonging to backward classes of citizens in admissions to educational institutions in the state and for appointments in the services under the state has been under implementation in the State of Gujarat for a long time. A large percentage of population of Gujarat suffering from social and educational backwardness for many years have been provided support structure by the reservation policy and which would enable them to improve their standard of living.

Our Country has adopted a policy of Welfare State. Hence the policy of reservation for Scheduled Castes and Scheduled Tribes as adopted by the Central Government is in force in the State of Gujarat since the inception of Gujarat State. The Gujarat Government has also adopted a policy for reservation of Socially and Educationally Backward Classes, Nomadic Tribes and De-notified Tribes since more than three decades and the State Government has constituted the Commission for Socially and Educationally Backward classes for this purpose. This Commission has identified some castes and communities as socially and educationally backward and accordingly the State Government has declared those castes and communities as such and reservation has been provided to them. This commission has identified those castes and communities as backward people based only on the ground of their social and educational backwardness. But large section of economically backward people who are actually backward.

economically backwardness. Some States like Rajasthan have adopted policy for reservation on the ground of economically backwardness and have implemented it in their States.

With a view to fulfill a long standing demand from the poorest classes of the unreserved categories a legislation therefore is required to be passed by the State Legislative Assembly to this effect. This Bill therefore provides for constituting a committee of eminent and expert persons to decide as to what criteria should be adopted to consider the economical backwardness. The committee shall submit its report on this matter to the State Government within sixty days and the State Government shall with or without modification thereto, implement it within thirty days. This Bill ensures justice and equality as enshrined in our Constitution and continues the existing policy of reservation of the State and the Central Government and extends the benefits of reservation also to the Economically Backward Class people of the State in educational Institutions and of appointment and post of the tune of twenty percentage.

Hence this Bill.

Gandhinagar,
Dated the 18th February, 2016.

SHAILESH PARMAR
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill, empowers the State Government to prescribe the educational institutions and courses in which reservation would be applicable.

Clause 6 of the Bill empowers the State Government to appoint chairman and members of the committee.

Clause 9 of the Bill empowers the State Government to prescribe remuneration, pay and allowances to be paid to the chairman and members of the committee.

Clause 10 of the Bill empowers the State Government to make rules for carrying out the purposes of the Act.

The proposed delegation is of normal character.

**Gandhinagar,
Dated the 18th February, 2016.**

**SHAILESH PARMAR
M.L.A.**

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides for payment of remuneration, pay and allowances to the chairman and members of the committee and rendering secretarial and other facilities to the committee. This Bill if enacted and brought into operation is estimated to involve from the Consolidated Fund of the State a no-recurring expenditure of about ten lac Rupees in the initial year.

**Gandhinagar,
Dated the 18th February, 2016.**

**SHAILESH PARMAR
M.L.A.**

**Gandhinagar
Dated the 10th March, 2016.**

D. M. PATEL
Secretary,
Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

GUJARAT BILL NO. 23 OF 2016.

A BILL

further to amend the Gujarat Private Universities Act, 2009.

WHEREAS, the Nootan Sarva Vidyalaya Kelavani Mandal, Visnagar, District: Mehsana, Marwadi Education Foundation, Rajkot, Plastindia Foundation, Mumbai, Laxman Gyanpith, Godhavi, Taluka: Sanand, District: Ahmedabad have applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish Private Universities in the State;

Guj. 8 of 2009.

AND WHEREAS, the said applications have been scrutinised by the Scrutiny Committee and on report of the Scrutiny Committee, the State Government has issued the Letter of Intent to the respective sponsoring body for establishment of the Private University;

AND WHEREAS, the State Government is satisfied that the sponsoring bodies have complied with the conditions of Letter of Intent as provided in section 10 of the said Act and have also established the Endowment Fund as per the Letter of Intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institutions specified in column 2 of the Schedule as the Private University, by the name and location of the aforesaid sponsoring bodies as specified in column 4 of the said Schedule.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

Short title and commencement. 1. (1) This Act may be called the Gujarat Private Universities (Amendment) Act, 2016.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule to Guj. 8 of 2009. 2. In the Gujarat Private Universities Act, 2009, in the Schedule, after the entry at serial No. 17, the following entries shall be inserted, namely:-

Sr. No.	Name and Address of the Private University	Details of Registration and Registration Number	Sponsoring Body
1.	2.	3.	4.
"18.	Sankalchand Patel University, Visnagar.	Registration under the Gujarat Public Trusts Act, 1950. Registration No. E/251, Mehsana. Date: 19/12/1952.	Nootan Sarva Vidyalaya Kelavani Mandal, S.K.Patel Campus, Visnagar, District: Mehasana, Gujarat.
19.	Marwadi University, Rajkot.	Registration under the Gujarat Public Trusts Act, 1950. Registration No. E/8458, Rajkot. Date: 24/10/2008.	Marwadi Education Foundation, Rajkot, Gujarat.
20.	Plastindia International University, Vapi.	Registration under the Bombay Public Trusts Act, 1950. Registration No. F.12156, Mumbai. Date: 26/11/1987.	Plastindia Foundation, 401, Landmark, "B" Suren Road, Andheri (E), Mumbai, Maharashtra, India.
21.	Anant National University, Ahmedabad.	Registration under the Gujarat Public Trusts Act, 1950. Registration No. E/8107, Ahmedabad, Gujarat. Date: 10/01/1991	Laxman Gyanpith, Sanskardham Campus, Nr. Manipur Bus Stop, Godhavi, Taluka: Sanand, District: Ahmedabad, Gujarat."

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Private Universities Act, 2009 (Guj. 8 of 2009) to provide for establishment of Private Universities in the State so as to provide for qualitative and industry related higher education and to regulate their functions in accordance with the provisions of the Act. A private University declared as such under the said Act is required to administer the affairs of the University as per the provisions of the said Act and the Governing Body, the Board of Management, the Academic Council and such other authorities are required to perform their duties and discharge their functions as provided in the said Act and the constitution of such bodies shall be as provided in the said Act.

The State Government has received the proposals from Nootan Sarva Vidyalaya Kelavani Mandal, Visnagar, District: Mehsana, Marwadi Education Foundation, Rajkot, Plastindia Foundation, Mumbai and Laxman Gyanpith, Godhavi, Taluka: Sanand, District: Ahmedabad for establishment of Sankalchand Patel University, Visnagar, Marwadi University, Rajkot, Plastindia International University, Vapi and Anant National University, Ahmedabad, respectively as the Private Universities. Section 10 of the said Act provides that if the State Government is satisfied that the Sponsoring Body has complied with the conditions of Letter of Intent, then, the State Government is required to bring appropriate legislation for inclusion of the name of the University in the Schedule to the said Act. The said proposals have been considered by the Scrutiny Committee appointed under section 8 of the said Act and the Committee has submitted its report to the State Government and on the basis of such report, the State Government has, having been satisfied, issued a Letter of Intent as provided under section 9 of the Act and since the sponsoring bodies have complied with the

This Bill seeks to amend the said Act to achieve the aforesaid object.

VASUBEN TRIVEDI,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 18th March, 2016.

VASUBEN TRIVEDI.

By order and in the name of the Governor of Gujarat,

C. J. Gothi,

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 19th March, 2016.

Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

A BILL

further to amend the Ganpat University Act, 2005.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Ganpat University (Amendment) Act, 2016.

Short title and commencement.

(2) It shall come into force at once.

Guj. 19 of 2005. 2. In the Ganpat University Act, 2005 (hereinafter referred to as "the principal Act"), in section 2,-

Amendment of section 2 of Guj. 19 of 2005.

(1) for clause (d), the following clause shall be substituted, namely:-

"(d) "Director General" means the Director General of the University appointed under section 18;"

(2) after clause (l), the following clause shall be inserted, namely:-

"(l-a) "Regulatory Body" shall have the meaning as defined by clause (p) of section 2 of the Gujarat Private Universities Act, 2009;"

Guj. 8 of 2009.

Amendment of
section 3 of
Guj. 19 of 2005.

3. In the principal Act, in section 3, in sub-section (2), for the words "the Director", the words "the Director General" shall be substituted.

Amendment of
section 4 of
Guj. 19 of 2005.

4. In the principal Act, in section 4, -

(1) for the words "and humanistic for the advancement of mankind", the words "humanistic, law, fashion designing, architecture, nursing, sports, dairy, animal husbandry, agriculture, forestry, fisheries and any other educational disciplines for the advancement of mankind" shall be substituted;

(2) for clauses (ii), (iii), and (iv), the following clauses shall be substituted, namely :-

"(ii) to create centers of excellence for providing knowledge, education, training and research facilities of high order in the field of science, technology, dental, medical, physiotherapy, paramedical, pharmacy, commerce, management, humanistic, law, fashion designing, architecture, nursing, sports, agriculture, forestry, fisheries and other related professional education as per its current status and such other matters as may develop in future, including continuing education and distance learning;

(iii) to develop patterns of teaching for a certificate or diploma courses, undergraduate and post-graduate courses and at doctoral level and to maintain a high standard of education, its applications; to create capabilities for upgrading science and technology, dental, medical, physiotherapy, paramedical, pharmacy, commerce, management, humanistic, law, fashion designing, architecture, nursing, sports, agriculture, forestry, fisheries courses;

(iv) to develop training facilities and to make arrangements for training in higher education, professional education and allied fields, to provide for inter-relationship for national and international participation, in the field of science and technology, dental, medical, physiotherapy paramedical, pharmacy, commerce, management, law, fashion designing, architecture, nursing, sports, agriculture, forestry, fisheries and its allied fields.";

(3) after clause (vi), the following clause shall be added, namely:-

"(vii) to set up off-campus centres, study centres and examination centres within the State subject to the permission of the regulatory bodies under any law made by the Parliament and any regulations, rules etc., made by the regulating bodies."

5. In the principal Act, in section 6, -

Amendment of
section 6 of
Guj. 19 of
2005.

(1) for clause (ii), the following clause shall be substituted, namely :-

“(ii) to provide for instruction, training, research advancement and dissemination in such branches of knowledge or learning pertaining to science, technology, dental, medical, physiotherapy, pharmacy, commerce, management, humanistic, law, fashion designing, architecture, nursing, sports, agriculture, forestry, fisheries and allied areas;”;

(2) for clause (ix), the following clause shall be substituted, namely :-

“(ix) to sponsor and undertake research in the different areas of science, technology, dental, medical, physiotherapy, pharmacy, commerce, management, humanistic, law, fashion designing, architecture, nursing, sports, agriculture, forestry and fisheries;”;

(3) for clause (xii), the following clause shall be substituted, namely :-

“(xii) to develop and maintain relationships with teachers researchers

forestry, fisheries and allied areas in any part of the world for achieving the objects of the University;”.

6. In the principal Act, in section 9, in clause (b), for the words “The Director”, the words “The Director General” shall be substituted.

Amendment of
section 9 of Guj.
19 of 2005.

7. In the principal Act, in section 10, in sub-section (1),-

(1) in clauses (iii), (iv) and (ix), for the word “Director”, the words “Director General” shall be substituted;

Amendment of
section 10 of Guj.
19 of 2005.

(2) in clauses (v), (vi), (vii) and (viii), the words “or his nominee” shall be added at the end.

8. In the principal Act, in section 12, in sub-section (2), in clause (ix), for the word “Director”, the words “Director General” shall be substituted.

Amendment of
section 12 of
Guj. 19 of 2005.

9. In the principal Act, in section 14, in sub-section (1), -

Amendment of
section 14 of
Guj. 19 of 2005.

(1) in clauses (i), (iii) and (v), for the word "Director", the words "Director General" shall be substituted;

(2) for clause (iv), the following clause shall be substituted, namely :-

"(iv) Deans of the University;".

Amendment of
section 16 of
Guj. 19 of 2005.

10. In the principal Act, in section 16, in sub-section (1), in clauses (i) and (iii), for the word "Director", the words "Director General" shall be substituted.

Amendment of
section 18 of
Guj. 19 of 2005.

11. In the principal Act, in section 18, -

(1) for the word "Director", wherever it occurs, the words "Director General" shall be substituted;

(2) in the marginal note, for the word "Director", the words "Director General" shall be substituted.

Amendment of
section 19 of
Guj. 19 of 2005.

12. In the principal Act, in section 19, -

(1) for the word "Director", wherever it occurs, the words "Director General" shall be substituted;

(2) in the marginal note, for the word "Director", the words "Director General" shall be substituted.

Amendment of
section 20 of
Guj. 19 of 2005.

13. In the principal Act, in section 20, in sub-section (2), in clauses (iii), (iv) and (vii), for the word "Director", the words "Director General" shall be substituted.

Amendment of
section 21 of
Guj. 19 of 2005.

14. In the principal Act, in section 21, for the word "Director", wherever it occurs, the words "Director General" shall be substituted.

Amendment of
section 34 of
Guj. 19 of 2005.

15. In the principal Act, in section 34, in sub-section (2), in clauses (xvii) and (xix), for the word "Director", the words "Director General" shall be substituted.

Amendment of
section 35 of
Guj. 19 of 2005.

16. In the principal Act, in section 35, for the word "Director", the words "Director General" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Ganpat University Act, 2005 to provide for the establishment of the Ganpat University, Kherva, Dist. Mehsana and to confer to it the status of a non-affiliating University. The University has proposed certain changes in the said Act and after due consideration, the State Government has thought it fit to accept some changes which are of normal character.

Accordingly, it is proposed to change the nomenclature of “the Director” to that of “the Director General” and accordingly amendments to that effect is proposed in the Act wherever the word “the Director” occurs. It is also proposed to add certain courses to the existing courses in the objects of the University like designing, architecture, nursing, sports, agriculture, forestry, and fisheries. An amendment is also proposed to the effect that the University may set up off-campus centres, study centres and examination centres within the State with the permission of the regulatory bodies like UGC, AICTE, MCI, etc. Certain amendments have also been proposed in different sections of the

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Dated the 18th March, 2016.

VASUBEN TRIVEDI.

By order and in the name of the Governor of Gujarat,

C. J. Gothi,

Gandhinagar,

Dated the 19th March, 2016.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT VALUE ADDED TAX (AMENDMENT) BILL, 2016.

GUJARAT BILL NO. 25 OF 2016.

A BILL

further to amend the Gujarat Value Added Tax Act, 2003.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Value Added Tax (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on the 1st April, 2016.

Amendment of
section 7 of Guj.1
of 2005.

2. In the Gujarat Value Added Tax Act, 2003 (hereinafter referred to as "the principal Act"), in section 7,-

Guj.1 of 2005.

- (1) in sub-section (1A), in clause (i), for the figures, letters and word "19A, 25, 46B, 48A, 49A, 49B, 51A, 76A and 87", the figures, letters and word "19A, 25, 46B, 48A, 49A, 49B, 49C, 51A, 55A, 76A, 80A and 87" shall be substituted;
- (2) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The State Government may, by notification in the *Official Gazette*,-

- (i) reduce the rate of tax specified in Schedule II in respect of any entry (or part thereof) of the said Schedule II and may, by like notification, omit or amend any entry (or part thereof) of the said Schedule II but not so as to enhance the rate of tax in any case and thereupon Schedule II shall be deemed to have been amended accordingly;
- (ii) add to or omit from, or otherwise amend or modify Schedule III so as to levy tax on the basis of price, weight, volume, measurement or unit, or reduce or enhance the rate of tax payable in respect of any goods specified in Schedule III and thereupon Schedule III shall be deemed to have been amended accordingly."

3. In the principal Act, in section 9, in sub-section (6), in clause (i), for the figures, letters and word "19A, 25, 46B, 48A, 49A, 49B, 51A, 76A and 87", the figures, letters and word "19A, 25, 46B, 48A, 49A, 49B, 49C, 51A, 55A, 76A, 80A and 87" shall be substituted.

Amendment of
section 9 of
Guj.1 of 2005.

4. In the principal Act, in Schedule I, for the entry at serial No. 50, the following entry shall be substituted, namely:-

Amendment of
Schedule I to Guj.
1 of 2005.

Sr. No.	Description of goods.	Conditions and exceptions subject to which exemption is granted.
	2	3
"50	Salt other than salt specified under entry 42A of Schedule II.	The purchaser shall give a declaration that the salt purchased by him covered under this entry

		under entry 42A of Schedule II."
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5. In the principal Act, in Schedule II, -

(1) after the entry at serial No.49B, the following entry shall be inserted, namely:-

Amendment of
Schedule II to
Guj. 1 of 2005.

Sr. No.	Description of goods.	Rate of tax.
- 1	2	3
"49C	Luxury cars, luxury SUVs and luxury two wheelers.	Seventeen and a half paise in the rupee.";

	<p>Explanation.- For the purpose of this entry, "luxury car or luxury SUV" means a car or a SUV with price more than rupees fifteen lakhs and luxury two wheeler means a two wheeler with price more than rupees two and a half lakhs.</p>	
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(2) after the entry at serial No.55, the following entry shall be inserted, namely:-

Sr. No.	Description of goods.	Rate of tax.
1	2	3
"55A	<i>Pan masala.</i>	Twenty-two and a half paise in the rupee.";

(3) after the entry at serial No.80, the following entry shall be inserted, namely:-

Sr. No.	Description of goods.	Rate of tax.
1	2	3
"80A	Motor vehicles (except school buses, college buses, passenger buses and goods carrier trucks) sold to companies, firms, HUFs, Societies, institutes, associations of persons or bodies of individuals whether incorporated or not, clubs, trusts, Government departments, Government undertakings Boards-Corporations, local self-Government bodies and artificial juridical person.	Seventeen and a half paise in the rupee.".

STATEMENT OF OBJECTS AND REASONS

The Finance Minister, while presenting the Budget in the Legislative Assembly for the year 2016-17, had proposed to increase the rate of value added tax on the purchase of motor vehicles by companies, firms, trusts, Government departments, etc., excluding the individuals. He had also proposed to increase the rate of tax on purchase of luxury cars/SUVs and luxury two wheelers as also on *pan masala* and industrial salt. In order to giving effect to the said proposals, the relevant provisions of the Gujarat Value Added Tax Act, 2003 are proposed to be amended.

An opportunity is also taken to amend the existing provisions of sub-section (2) of section 7 of the said Act. Clause 2 of the Bill *inter alia* provides that the State Government may by notification in the *Official Gazette*, may reduce the rate of tax specified in Schedule II in respect of any entry of the said Schedule but not so as to enhance the rate of tax. The

basis of price, weight, volume, measurement or unit or reduce or enhance the rate of tax payable in respect of any goods specified in Schedule III.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

SAURABH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respect:-

Clause 2.- Sub-section (2) of section 7 of the Act proposed to be substituted by this clause empowers the State Government, by notification in the *Official Gazette*, -

(i) to reduce the rate of tax in respect of any entry of Schedule II but not so as to enhance the rate of tax;

(ii) add to or omit from Schedule III any entry or to amend or modify Schedule III to levy tax on the basis of price, weight, volume, measurement or unit or reduce or enhance the rate of tax payable in respect of any goods specified in Schedule III.

The delegation of legislative powers as aforesaid is necessary and is of normal character.

Dated the 19th March, 2016.

SAURABH PATEL.

By order and in the name of Governor of Gujarat,

Gandhinagar,
Dated the 19th March, 2016.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT TAX ON ENTRY OF SPECIFIED GOODS INTO LOCAL AREAS (AMENDMENT) BILL, 2016.

GUJARAT BILL NO. 26 OF 2016.

A BILL

further to amend the Gujarat Tax on Entry of Specified Goods into Local Areas Act, 2001.

It is hereby enacted in the Sixty seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Tax on Entry of Specified Goods into Local Areas (Amendment) Act, 2016. Short title and commencement.
- (2) It shall come into force on the 1st April, 2016.

Amendment
of section 2
of Guj. 22
of 2001.

2. In the Gujarat Tax on Entry of Specified Goods into Local Areas Act, 2001 (hereinafter referred to as "the principal Act"), in section 2, for clause (e), the following clause shall be substituted, namely:-

Guj. 22 of
2001.

“(e) “importer” means a person who brings or facilitates to bring any of the specified goods into a local area from any place outside the State but not being a place outside the territory of the Union of India, through any means including the on-line purchase, web-based software application or by tele-shopping platform, for consumption, use or sale therein;”.

Amendment
of section 3
of Guj. 22 of
2001.

3. In the principal Act, in section 3, after sub-section (2), the following sub-section shall be inserted, namely:-

“(2A) Notwithstanding anything contained in sub-section (2), an importer who facilitates to bring any of the specified goods into a local area from any place outside the State through the means of on-line purchase, web-based software application or by teleshopping platform shall collect the tax from the person for whom such facilitation has taken place and shall pay the same in such manner and within such time limit as may be prescribed.”.

Insertion
of new
section 10A
in Guj. 22
of 2001.

4. In the principal Act, after section 10, the following section shall be inserted, namely :-

Special
mode of
recovery.

“10A. (1) Notwithstanding anything contained in any law or contract to the contrary, the Assessing Authority may at any time or from time to time, by notice in writing, a copy of which shall be forwarded to the importer at his last known address, require,-

- (a) any person from whom any amount of monies is due, or may become due, to an importer on whom notice has been served under sub-section (1), or
- (b) any person who holds or may subsequently hold monies for or on account of such importer,

to pay to the Assessing Authority, either forthwith upon the monies becoming due or being held or within the time specified in the notice (but not before the monies becomes due or is held as aforesaid) so much of the monies as is sufficient to pay the amount due by the importer in respect of the arrears of tax or penalty under this Act, or the whole of the money when it is equal to or less than that amount.

Explanation. – For the purposes of this sub-section, the amount of monies due to an importer from, or monies held for or on account of an importer by any person, shall be calculated by the

such importer to such person.

- (2) The Assessing Authority may amend or revoke any such notice or extend the time for making any payment in pursuance of the notice.
- (3) Any person making any payment in compliance with the notice under this section shall be deemed to have made the payment under the authority of the importer, and the receipt thereof by the Assessing Authority shall constitute a good and sufficient discharge of the liability of such person to the extent of the amount specified in the receipt.
- (4) Any person discharging any liability to the importer after receipt of the notice referred to in this section, shall be personally liable to the Assessing Authority to the extent of the liability discharged or to the extent of the liability of the importer for tax and penalty, whichever is less.

- (5) Where a person to whom a notice under this section is sent objects to it by a statement in writing that the sum demanded or any part thereof is not due or payable to the importer or that he does not hold any monies for or on account of the importer, the Assessing Authority shall hold an inquiry and after giving to such person or importer a reasonable opportunity of being heard, make such order as he thinks fit.
- (6) Any amount of monies which the aforesaid person is required to pay to the Assessing Authority, or for which he is personally liable to the Assessing Authority under this section shall, if it remains unpaid, be recoverable as an arrears of land revenue.
- (7) The Assessing Authority may apply to the court in whose custody there is monies belonging to the importer for payment of the amount of such monies towards the outstanding amount of tax and penalty payable by the importer.”.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Tax on Entry of Specified Goods into Local Areas Act, 2001 has been enacted to provide for level playing field to the local business of the State. Due to recent development with regard to the purchase of goods through the means of on-line purchase, web-based software application or by teleshopping platform which does not attract any tax under the said Act, the local business is being found to be adversely affected. The Hon'ble Finance Minister has, while presenting the Budget for the year 2016-2017 stated that the said Act would be amended to provide level playing field to the dealers of the State. Therefore, the existing definition of the term "importer" has been proposed to be amended so as to bring within the purview of the said Act, the purchases whereby goods are brought in the local area from outside the State through the e-commerce. A new sub-section (2A) is proposed to be inserted in section 3 of the said Act in order to cast the duty on the person who facilitates the goods to be brought into the local area from outside the State through e-commerce. *Clause 3* of the Bill provides for the same. *Clause 4* of the Bill seeks to insert new section 10A so as to provide for the provisions for special mode of recovery.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

SAURABH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

~~Clause 3:- Sub-section (2A) proposed to be inserted in section 3 of the Act~~
by this clause empowers the State Government to prescribe by rules, the manner in which and the time limit within which the importer, who has facilitated to bring any specified goods into a local area from any place outside the State through on-line purchase, web-based software application or by tele-shopping platform, shall pay the tax.

The delegation of legislative power as aforesaid is necessary and is of normal character.

Dated the 19th March, 2016.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 19th March, 2016.

C. J. Gothi,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

EXTRAORDINARY
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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

GUJARAT BILL NO. 27 OF 2016.

A BILL

to establish and incorporate a Council to be known as the Gujarat State Higher Education Council and for the matters connected therewith or incidental thereto.

WHEREAS the University Grants Commission and Rashtriya Uchhatar Shiksha Abhiyan, 2013 have recommended that State level planning and co-ordination of higher education shall be done through the State Council for Higher Education;

AND WHEREAS, it is expedient to establish a State Higher Education Council which would be a supreme body for higher education and shall be responsible for planned and co-ordinated development of higher education in the State and for advising the State Government in the matters relating to higher education and to oversee its development with perspective planning and monitoring.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

Short title, extent and commencement. 1. (1) This Act may be called the Gujarat State Higher Education Council Act, 2016.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification, in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (a) "Chairperson" means the Chairperson of the Executive Committee appointed under section 10;
- (b) "college" means any college or any institution maintained or approved by, or affiliated to, any University and providing courses of study for admission to the examination of the University;
- (c) "Council" means the Gujarat State Higher Education Council constituted under section 3;
- (d) "Executive Committee" means the Executive Committee of the Council constituted under section 9;
- (e) "Fund" means the Gujarat State Higher Education Council Fund established under section 18;
- (f) "higher education" means an education, whether professional, technical or otherwise, and includes research studies, leading to the award of a degree or diploma or certificate by a University or an institution approved by the University or the State Government;
- (g) "institution" means an academic institution of higher education and research, not being a college, associated with and admitted to privileges of a University or maintained by a University;
- (h) "institution of higher education" means an institution conducting any course of study in higher education, approved as such by the State Government;

- 102 of 1956. (i) "Medical Council of India" means the Medical Council constituted under the Indian Medical Council Act, 1956;
- (j) "member" means a member of the Governing Council or, the Executive Committee, as the case may be;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "President" means the President of the Governing Council;
- Guj. 8 of 2009. (m) "Private University" means a University established under the Gujarat Private Universities Act, 2009;
- (n) "regulations" means the regulations of the Council made under section 28;
- (o) "rules" means the rules made under section 27;
- (p) "University" means any University in the State established or incorporated by an Act of the Gujarat State Legislature;
- 3 of 1956. (q) "University Grants Commission" means the Commission established under section 4 of the University Grants Commission Act, 1956.

CHAPTER II

ESTABLISHMENT AND INCORPORATION OF COUNCIL

3. (1) The State Government may, by notification in the *Official Gazette*, with effect on and from such date as may be specified, constitute a Council for the purposes of this Act to be called "the Gujarat State Higher Education Council".

Constitution,
incorporation
and head
quarters of
Council.

(2) The Council shall be a body corporate by the name aforesaid having perpetual succession and a common seal and shall be entitled to acquire, hold and dispose of property, to enter into contracts and to do all other things necessary for the purposes of this Act and shall by its name sue and be sued.

(3) The headquarters of the Council shall be at Ahmedabad or at such other place as the State Government may notify in this behalf.

**Composition of 4.
Governing
Council.**

(1) The Council shall consist of the following members, namely:-

A. Ex-officio Members:

- (i) the Chief Minister : President;
- (ii) the Minister (Education) : Vice-President;
- (iii) the Minister of State (Education) : Co-Vice-President;
- (iv) the Chairperson of the Executive Committee;
- (v) the Secretary to the Government of Gujarat, Education Department ;
- (vi) the Secretary to the Government of Gujarat, Finance Department;
- (vii) the Secretary to the Government of Gujarat, Legislative and Parliamentary Affairs Department;
- (viii) the Secretary to the Government of Gujarat, Health and Family Welfare Department;
- (ix) the Secretary to the Government of Gujarat, Industries and Mines Department;
- (x) the Secretary to the Government of Gujarat, Labour and Employment Department;
- (xi) the Secretary to the Government of Gujarat, Sports, Youth and Cultural Activities Department;
- (xii) the Commissioner, Higher Education, Gujarat State;
- (xiii) the Commissioner, Technical Education, Gujarat State;
- (xiv) the Commissioner, Medical Education and Research, Gujarat State;
- (xv) the Chairman, University Grants Commission, New Delhi or his nominee not below the rank of Joint Secretary;

B. Other Members:

- (i) not more than five Vice-Chancellors of the Universities, to be nominated by the State Government in consultation with the Joint Board of Vice-Chancellors (JBVC);

- (ii) one Provost of the Private Universities, to be nominated by the State Government in consultation with the Private University Forum;
- (iii) not more than two eminent scholars, to be nominated by the State Government from the institutes of national importance situated in the State of Gujarat ;
- (iv) not more than five eminent persons, to be nominated by the State Government from the fields of Arts, Science, Commerce, Law, Engineering, Management, Medical, Journalism, Films and Television, Theatres, Sports, Public Administration, Finance, etc.;
- (v) three eminent academicians, to be nominated by the State Government from the Universities or affiliated colleges, who have completed more than 15 years of service;

~~(2) The term of the members other than the *ex-officio* members shall be three years.~~

(3) If it is not possible for an *ex-officio* member to attend the meeting of the Council, he may nominate an officer not below the rank of the Deputy Secretary, or the Deputy Director, as the case may be.

5. (1) A person shall be disqualified for being appointed or nominated or continued to be a member of the Council, if he,- **Disqualifications.**

- (a) is of unsound mind and has been so declared by a competent court;
- (b) has been adjudged by a competent court to be of unsound mind;
- (c) has been adjudicated as an un-discharged insolvent;

(d) has been convicted by a court of law for any offence involving moral turpitude, which in the opinion of the State Government renders him unfit to be a member of the Council;

(e) directly, or indirectly, by himself or his partner has any share or interest in any work done by order of, or in any contract entered into on behalf of the Council.

(2) In case of any dispute or doubt as to whether a person is disqualified under sub-section (1), the decision of the State Government shall be final.

Removal of
membership.

6. (1) If, at any time, it appears to the State Government that a member has proved himself to be unfit to hold office or has been guilty of misconduct or neglect which in the opinion of the State Government renders his removal from the membership of the Council as expedient, the State Government may, after giving such member a reasonable opportunity of showing cause as to why he should not be removed as a member of the Council, remove him as such and on such removal, such member shall cease to be a member of the Council.

(2) The Chairperson or any other officer shall not be removed except by an order of the State Government passed on the ground of wilful omission or refusal to carry out the provisions of this Act or rules or regulations made thereunder, or for abuse of the powers vested in him, after consideration of the report of an inquiry ordered by the State Government in this behalf. Before termination of the appointment of the delinquent officer, he shall be provided an opportunity of being heard.

Objects of
Council. 7. The objects of the Council shall be as under, namely:-

(1) to develop a comprehensive, long term and inclusive educational plan;

- (2) to develop co-ordinative methods for planning and co-ordination of higher education in the State and other regulatory bodies, etc.;
 - (3) to carry out effective monitoring of the academic/administrative/financial performance of the Universities and affiliated colleges and to recommend remedial measures for better performance;
 - (4) to make recommendations for the planned and co-ordinated development of higher education in the State;
 - (5) to maintain a databank on higher education and conduct research and evaluation studies;
 - (6) to fulfil the needs of the future developments; to control unplanned and emplaned expansion and channelize higher education in desirable direction, on the basis of the socio-economic need and academic requirement;
-

- reforms at the institutions, maintain a data bank on higher education and conduct research and evaluation studies;
- (8) to decide criteria and make recommendations to the State Government for necessary funding to the Universities;
 - (9) to decide criteria and make recommendations to the State Government for scholarship, free-ships as well as aid to economically distressed students and scholars to establish equity among different backward social groups;
 - (10) to decide and suggest measures and recommendations to the State Government for reforms in higher education keeping in view expected changes in distant future with clear vision of education;
 - (11) to make recommendations for planned and co-ordinate development of curriculum and courses, to prepare global level experts in various disciplines in higher education in consultation with the Universities;

- (12) to make recommendations for development of innovations, skills, development, media experts, software and other modern knowhow in education, technology leading to higher education to global competition including export of educational services like software, films, etc.;
- (13) to prepare blueprint for institutional development like film, media inculcators' science park, centre of excellence or institutions in higher education to face global competition with excellence;
- (14) to bring to the notice of the State Government, the educational activities carried out in the State by any agency in the form of franchise, coaching centre, counselling centre, students guidance centre or under any name whatsoever, if such agency carries such activities in an unauthorised and illegal manner without approval of the concerned regulatory bodies and also in case such agencies or institutions provide the fake degrees, diplomas or certificates which have not been authorised by the UGC or the concerned regulatory body;
- (15) to suggest the measures so that the Universities in the State can achieve the world level bench mark in excellence.

**Functions of
Council.**

8. (1) It shall be the general duty of the Council to co-ordinate and determine standards in institutions for higher education or research and scientific and technical institutions in accordance with the guidelines issued by the University Grants Commission or the State Government, from time to time.

(2) The functions of the Council shall be as follows, namely:-

I. Planning and Co-ordination functions :

- (i) to prepare consolidated programmes in the sphere of higher education in the State in accordance with the guidelines that may be issued by the University Grants Commission from time to time, and to assist in their implementation, keeping in view the overall priorities and perspectives of higher education in the State;
- (ii) to assist the University Grants Commission in respect of determination and maintenance of standards of higher education and suggest remedial action wherever necessary;
- (iii) to evolve perspective plans for development of higher education and future vision in the State;
- (iv) to forward the development programmes of the Universities and colleges to the State Government and the University Grants

programmes;

- (vi) to promote co-operation and co-ordination of the educational institutions among themselves and explore the scope for interaction with industry and other stake holders;
- (vii) to formulate the principles in accordance with the guidelines of the State Government for approval and sanction of new educational institutions;
- (viii) to suggest ways and means of augmenting additional resources for higher education in the State.

II. Academic functions:

- (i) to encourage and promote innovations in curriculum development, restructuring and updating of syllabi with skill development, innovations in Universities, colleges and institutions of higher education;

- (ii) to promote and co-ordinate programmes of Universities and colleges and set up a monitoring system and its implementation;
- (iii) to devise methods and steps to improve the standard of examinations conducted by the Universities and affiliated colleges and suggest necessary reforms;
- (iv) to develop programmes for effective academic co-operation and interaction between the faculties in the Universities and colleges and also facilitate mobility of teachers and students in and outside the State;
- (v) to encourage sports, games, physical education and cultural activities in the Universities and colleges;
- (vi) to encourage extension activities and promote interaction between Universities and industries through effective consultancy in special areas relevant to the Universities and regional planning and skill development;
- (vii) to prepare an overview report on the working of the Universities and colleges in the State and furnish a copy of the report to the University Grants Commission;
- (viii) to identify centres of excellence in the Universities and provide national and international linkage for the growth of science and technology;
- (ix) to administer and release research funds, if any, received from the national and international funding agencies;
- (x) to work in liaison with the All India Council for Technical Education (AICTE) in relation to technical education;

- (xi) to advise the State Government or any University, college or institution of higher education on any other matter relating to higher education and research which they may refer to the Council.

III. Advisory functions:

The Council shall advise,-

- (i) in determining the block maintenance grants to the Universities and institutions of higher education, by evolving suitable guidelines for such grants and monitoring its utilization;
 - (ii) on setting up a State Centre for Scientific Research and to co-ordinate the research activities amongst the Universities;
 - (iii) on the statutes, ordinances and regulations of the Universities and
-
- (iv) regarding necessary amendments in the laws relating to Universities including the laws relating to the establishment of new Universities;
 - (v) for instituting prestigious awards to outstanding scientists, academicians and technologists for their contributions;
 - (vi) to identify and administer innovative programmes for sustainable growth through self-generating funds from services such as consultancy to industries, institutions and national and international organisations and to create and help intellectual property rights;
 - (vii) on perform such other functions necessary for promoting excellence in higher education and scientific research;

- (viii) to develop programmes, academic seminars, training programmes, capacity building, national and international conferences, as well as to hold group discussion of scientists and scholars towards framing higher education policy of State Government;
- (ix) to suggest criteria or rules for recruitment of teachers, officers, principals and other employees;
- (x) to suggest criteria, rules regarding various promotions, for college teachers, principals, university teachers in accordance with the regulations and guidelines of the UGC, or the State Government policy.

Constitution of
Executive
Committee.

9. There shall be constituted an Executive Committee for the Council.

Chairperson
of Executive
Committee.

10. (1) There shall be a Chairperson of the Executive Committee who shall be appointed by the State Government from amongst three persons recommended under sub-section (4) by a committee appointed for the purpose under sub-section (2).

(2) For the purposes of sub-section (1), the State Government shall appoint a committee consisting of three eminent academicians with proven record and integrity.

(3) The State Government shall appoint one of the three members of the committee as its Chairman.

(4) The committee so appointed shall within a period of one month from its appointment select three persons whom it considers fit for being appointed as the Chairperson and shall recommend to the State Government the names of the persons so selected together with such other particulars as it deems fit.

(5) The Chairperson shall be appointed, from amongst the persons so recommended, who are eminent educationalists and have achieved distinction and excellence in the field of higher education with proven record of their contribution.

(6) The Chairperson shall be the chief administrative and academic head and overall in-charge of the affairs of the Council. He shall have the authority to superintend, monitor and to oversee the overall functioning of the Executive Committee.

(7) The term of the Chairperson shall be three years.

(8) The qualifications, powers and functions, terms and conditions of the service of the Chairperson shall be such as may be prescribed.

11. (1) The Executive Committee of the Council shall consist of the Composition
of Executive

Ex-officio Members:

- (i) the Commissioner, Higher Education, Gujarat State;
- (ii) the Commissioner, Technical Education, Gujarat State;
- (iii) the Commissioner, Medical Education and Research, Gujarat State;

Other Members:

- (i) not more than eight Vice-Chancellors, out of which three shall be from Sectorial Universities, who shall be nominated by the State Government in consultation with the Joint Board of Vice-Chancellors (JBVC);
- (ii) one Provost, to be nominated by the State Government in consultation with the Private University Forum;

- (iii) one eminent scholar, to be nominated by the State Government from the institutes of national importance situated in the Gujarat State;
- (iv) not more than five eminent persons, to be nominated by the State Government from the fields of Arts, Science, Commerce, Law, Engineering, Management, Medical, Journalism, Films and Television, Theatres, Sports, Public Administration, Finance, etc.;
- (v) three academicians, to be nominated by the State Government from amongst University teachers, senior principals or affiliated college teachers who have completed more than ten year of service.

(2) The term of the members other than the *ex-officio* members shall be three years.

(3) If it is not possible for an *ex-officio* member to attend the meeting of the Council, he may nominate an officer not below the rank of the Deputy Secretary or, the Deputy Director, as the case may be.

Powers and
functions of
Executive
Committee.

12. The Executive Committee shall have the following powers and functions, namely:-

- (i) to take decisions on behalf of the Council, subject to the concurrence of the Council in all matters with policy implications:

Provided that in urgent and unavoidable circumstances, the Executive Committee may take decisions subject to ratification by the Council;

- (ii) to incur such expenses as are necessary to fulfil the objectives set out in this Act and carry out all decisions taken by the Council;
- (iii) to present before the Council the annual academic and financial audit reports of the Council for its approval;

- (iv) to prepare the State Higher Education Plan (Perspective Plan, Annual Plan and Budget Plan);
- (v) to provide State Institutions inputs for creating their plans and implementing them;
- (vi) to co-ordinate between apex bodies, regulatory institutions and the State Government;
- (vii) to advise the State Government on strategic investments in higher education;
- (viii) to advise the universities on statutes and ordinances formulation;
- (ix) to determine the methodology for timely transfer of State's share of funds to institutions;
- (x) to disseminate information on State Higher Education Plan;
- (xi) to monitor the implementation of State Higher Education Plan;
- (xii) to create and maintain the Management Information Systems;
- (xiii) to compile and maintain periodic statistics at State and Institutional Level;
- (xiv) to evaluate State Institutions on the basis of norms and Key Performance Indicators (KPIs) developed under RUSA;
- (xv) to ensure timely submission of Utilization Certificates from Institutions;
- (xvi) to suggest means for faculty quality enhancement initiatives;
- (xvii) to suggest the ways for upgrading the quality of examinations and examination reforms;
- (xviii) to maintain the quality of curriculum;

- (xix) to promote innovations in research;
- (xx) to protect the autonomy of State Institutions;
- (xxi) to suggest accreditation reforms;
- (xxii) such other powers, functions and duties as may be prescribed.

Meetings of Council.

13. (1) The Council shall meet, as often as may be necessary, at such time and place and observe such rules of procedure for transaction of business at such meetings as may be prescribed by the regulations, but it shall meet at least twice a year.

(2) The meetings of the Council shall be convened by the Member-Secretary on the advice of the Chairperson of the Executive Committee.

(3) The quorum of the meeting of the Council shall be one-third of the total members of the Council.

(4) The decisions at the meetings shall be made by simple majority of the members present and voting.

Proceedings of Council not to be invalidated by infirmities.

14. The Council shall have power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof, and the proceedings of the Council shall be valid notwithstanding that some person, who was not entitled to be a member had attended proceedings of the meeting, voted or otherwise taken part in the proceedings of the Council.

Power of State Government to give directions.

15. On the recommendation of the Council, or *suo-moto*, the State Government may direct, any University with such modification as may be necessary, to implement the reforms in such manner as may be specified therein. Notwithstanding anything contained in any law for the time being in force, it shall be obligatory on the part of the University to implement the directions given by the State Government and to report the action taken to the State Government and the Council accordingly. The Council shall review from time to time the compliance by the Universities, of the direction given by the State Government.

16. If a casual vacancy occurs in the office of any member, either by reason of his death, resignation, removal or otherwise, such vacancy shall be filled up by the State Government by nomination or appointment, as the case may be, and such member shall hold office only for the remainder of the term for which the person in whose place he was nominated or appointed:

Filling up of casual vacancies.

Provided that such vacancy shall be filled in by a person from the same category from which such vacancy has arisen.

17. The Council may associate with itself in such manner and for such purpose, any person whose assistance or advice it may desire in carrying out its functions. A person associated with the Council for such purpose shall have a right to take part in the discussions relevant to that purpose but shall not have a right to vote at a meeting of the Council and shall not be a member for any purpose. The Council may associate with it any member of Medical, Engineering, or Agricultural Universities with a view to developing co-ordination amongst the Universities.

Temporary association of persons with Council.

CHAPTER III

18. (1) There shall be established a fund to be called the "Gujarat State Higher Education Council Fund" which shall include all sums which may, from time to time, be paid to it by the State Government and all other receipts including any sum from the Central Government, the University Grants Commission or any other authority, institutions or person.

Fund of Council.

(2) The State Government may pay to the Council every financial year such sums as may be considered necessary for the functioning of the Council and for the discharge of its responsibilities and duties.

(3) All expenditure incurred by the Council under or for the purposes of this Act shall be defrayed from and out of the Fund of the Council and any surplus remaining, after such expenditure has been met, shall be invested in such manner as may be prescribed.

19. The Council shall prepare, in such form and at such time each year, as may be prescribed, a budget in respect of the next financial year showing the estimated receipts and expenditure and a copy thereof shall be forwarded to the State Government.

Annual Budget.

Annual
accounts
and audit.

20. (1) The accounts of the Council shall be maintained in such manner and in such form as may be prescribed. The Council shall prepare an annual statement of accounts in such form as may be prescribed.

(2) The accounts of the Council shall be audited at least once in every financial year by such auditor as the State Government may appoint in this behalf.

(3) The auditor appointed under sub-section (2) shall, for the purposes of audit, have such powers as may be prescribed.

(4) The Chairperson shall cause the audit report to be printed and forward the printed copy thereof, to each member of the Council and shall place such report before the Council for its consideration in its next meeting.

(5) The Council shall take appropriate action forthwith to rectify any defect or irregularity that may be pointed out in the audit report under the intimation to the State Government.

(6) The accounts of the Council as certified by the auditor together with the audit report alongwith the remarks of the Council thereon shall be forwarded to the State Government within a month.

(7) The State Government may, by order in writing, direct the Council to take such actions as may be specified in order to rectify, within such time as may be specified therein, the defects, if any, disclosed in the audit report, and the Council shall comply with such directions.

(8) The State Government shall, as soon as may be after the receipt of the annual accounts together with the audit report under sub-section (6), cause the same to be laid before the Legislative Assembly of the State.

CHAPTER IV

MISCELLANEOUS PROVISIONS

Annual
report.

21. The Council shall, as soon as may be, after the end of each financial year, prepare and submit to the State Government, before such date and in such form, as may be prescribed, a properly documented report giving an account of its activities during the previous year and the report, shall also give an account of the activities, if any, which are likely to be undertaken by the Council in the next financial year. The State Government shall cause every such report to be laid before the Legislative Assembly of the State as soon as may be after its receipt. A copy of the annual report shall also be forwarded to the University Grants Commission.

- 22.** (1) The State Government shall have the right to cause an inspection to be made, by an officer not below the rank of the Secretary to the Government authorized by it, of the Council and also to cause an inquiry to be made into the functions performed by the Council in respect of any matter entrusted to it. The State Government shall in every case give notice to the Council of its intention to cause such inspection or inquiry to be made and the Council shall be entitled to be represented thereat. The officer making the inspection or inquiry shall submit his report to the State Government on the basis of inspection or inquiry so made. **Inspection and inquiry.**
- (2) The State Government shall communicate to the Council its views with reference to the results of such inspection or inquiry and may, advise the Council upon the action to be taken.
- (3) The Council shall, within such time as the State Government may fix, report the action, if any, which is proposed to be taken or has been taken, upon such advice.
- (4) The State Government may, where action has not been taken by the Council within a reasonable time to its satisfaction, issue such directions as it may think fit

it, call for and examine the records of any order passed or decisions taken by the Council under the provisions of this Act, for the purpose of satisfying itself as to the legality or propriety of such order or decision or as to the regularity of procedure and pass such order with respect thereto as it may deem fit:

Provided that no such order shall be made except after giving the Council or the person likely to be affected thereby a reasonable opportunity of being heard.

Protection of acts done in good faith.

24. No suit, prosecution or other legal proceedings shall lie against the Council or any member or officer or employee of the Council for anything which is done or intended to be done in good faith or action taken in pursuance of this Act or any rules or regulations made thereunder.

Staff of Council

25. The Council shall, with the prior approval of the State Government appoint such officers and staff, as it deems necessary, for the discharge of its functions under this Act. The terms and conditions of service of the officers and staff of the Council shall be such as may be specified in the regulations to be framed by the Council.

Members
and staff
of Council
to be public
servants.

26. The President, Vice- President, members, officers and staff of the Council, the Chairperson of the Executive Committee and the members thereof shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or any rules or regulations made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Power to
make rules.

27. (1) The State Government may, by notification in the *Official Gazette*, make rules not inconsistent with this Act, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

(a) prescribing qualifications, powers and functions, terms and conditions of the service of the Chairperson under sub-section (8) of section 10;

(b) prescribing other powers, functions and duties of the Executive Committee under clause (xxi) of section 12;

(c) prescribing the manner for investment of surplus fund of the Council under sub-section (3) of section 18;

(d) prescribing the form and time limit within which the Council shall prepare the annual budget under section 19;

(e) prescribing the manner and the form for maintenance of accounts of the Council; and the form of annual statement of accounts under sub-section (1) of section 20;

(f) prescribing the powers of the auditor under sub-section (3) of section 20;

(g) prescribing the form of annual report and date of submission thereof to the State Government under section 21;

(3) All rules made under this section shall be laid for not less than thirty days before the state Legislature as soon as possible after they are made and shall be subject to the recession by the State Legislature or to such modification as the State legislature may make during the session in which they are so laid or the session immediately following.

(4) Any recession or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

28. The Council may, with the prior approval of the State Government, make regulations not inconsistent with the provisions of this Act and rules made thereunder for carrying out all or any of the purposes of this Act. **Power to make regulations.**

29. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty: **Power to remove difficulties.**

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

The University Grants Commission and Rashtriya Uchhatar Shiksha Abhiyan, 2013 have recommended that the State level planning and co-ordination of higher education shall be done through the State level council for Higher Education. Accordingly the State Government has decided to constitute the State Level Higher Education Council to be known as the Gujarat State Higher Education Council. The Council shall function in order to forge synergic relationship amongst the State Government, Universities, academicians and experts by occupying an operational space in between the Government and Universities and between Universities and apex level regulatory bodies. The main objects of the Council include planned and co-ordinated development of higher education in the State, sharing of resources between Universities, leading academic and governance reforms at the institutional level, to establish principles for funding institution, to maintain a data bank for higher education and to promote research and evaluation of studies.

This Bill seeks to achieve the aforesaid objects.

The following notes on *clauses* explain, in brief, the important provisions of the Bill:-

Clause 1.- This clause provides for short title, extent and commencement of the Act.

Clause 2.- This clause defines certain terms used in the Bill.

Clauses 3 and 4.- These clauses provide for constitution and composition of the Gujarat State Higher Education Council.

Clauses 5 and 6.- These clauses provide for disqualifications of a person for becoming or continuing as a member of the Council and also provide for the exigencies for removal of a member of the Council.

Clauses 7 and 8.- These clauses provide for the objects and the functions of the Council.

Clauses 9 and 10.- These clauses provide for the constitution of the Executive Committee and the appointment of the Chairperson of the said Committee.

Clauses 11 and 12.- These clauses provide for the composition of the Executive Committee and its powers and functions.

Clauses 13 and 14.- These clauses provide for meetings of the Council and that the proceedings of the Council shall not be invalidated by any infirmity.

Clause 15.- This clause provides for the directions to be issued to the Governing Council by the State Government.

Clause 16.- This clause provides for the filling up of the casual vacancy of a member in the Council.

Clause 17.- This clause provides for the temporary association of a person with the Council, who is not a member of the Council, for assisting or advising the Council in its functions.

Clauses 18 to 20.- These clauses provide for the Fund of the Council, preparation of budget, maintenance of accounts and its audit.

Clause 21.- This clause provides for the preparation and submission of annual report by the Council.

Clause 22.- This clause provides for inspection and inquiry of the Council by the State Government

Clause 24.- This clause provides for usual indemnity for acts done in good faith.

Clause 25.- This clause provides for appointment of staff of the Council.

Clause 26.- This clause provides that all officers and staff of the Council shall be public servants.

Clause 27.- This clause empowers the State Government to make rules, by notification in the *Official Gazette*, for carrying out the purposes of the Act.

Clause 28.- This clause empowers the Council with the approval of the State Government to make regulations, for carrying out the purposes of the Act.

Clause 29.- This clause empowers the State Government to remove difficulties arising within a period of two years from the commencement of the Act.

VASUBEN TRIVEDI,

FINANCIAL MEMORANDUM

Clause 10 of the Bill provides for the appointment of the Chair Person of the Executive Committee.

Clause 18 of the Bill provides for the payment of grants by the State Government to the Council.

Clause 25 of the Bill provides for the appointment of the staff and officers of the Council.

The Bill, if enacted and brought into operation, the expenditure involved would be worked out separately and provision for the expenditure will be made thereafter.

VASUBEN TRIVEDI,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respect:-

Clause 1.- Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 3.- (i) Sub-clause (1) of this clause empowers the State Government, by notification in the *Official Gazette*, to constitute the Gujarat State Higher Education Council;

(ii) sub-clause (3) of this clause empowers the State Government to notify the headquarters of the Council at any other place other than Ahmedabad.

Clause 10.- Sub-clause (8) of this clause empowers the State Government to prescribe by rules, the qualifications, powers and functions and terms and conditions of the Chairperson of the Council.

Clause 12.- Clause (xxi) of this clause empowers the State Government to prescribe by rules the other powers, functions and duties of the Executive Committee.

Clause 13.- Sub-clause (1) of this clause empowers the Council to prescribe by regulations, the procedure for transaction of business at the meeting of the Council.

Clause 17.- This clause empowers the Council to prescribe by regulations, the manner and the purpose for which it may associate with any person.

Clause 18.- Sub-clause (3) of this clause empowers the State Government to prescribe by rules, the manner in which the surplus fund shall be invested.

Clause 19.- This clause empowers the State Government to prescribe by rules, the form in which and the time by which the Council shall prepare the budget.

Clause 20.- (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner and the form in which accounts of the Council shall be maintained;

(ii) sub-clause (3) of this clause empowers the State Government to prescribe by rules, the powers of the auditor for the purposes of audit.

Clause 21.- This clause empowers the State Government to prescribe by rules, the form in which and the date by which the Council shall prepare and submit the annual report to the State Government.

Clause 25.- This clause empowers the Council to prescribe by regulations, the terms and conditions of the officers and staff of the Council.

Clause 27.- Sub-clause (1) of this clause empowers the State Government to make rules not inconsistent with the Act, by notification in the *Official Gazette*, to carry out the purposes of the Act.

Clause 28.- This clause empowers the Council to make regulations with the

an order published in the *Official Gazette*.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 21st March, 2016.

VASUBEN TRIVEDI.

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 21st March, 2016.

C. J. Gothi,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

Balvantsinh Rajput, M.L.A. is Published under rule 127-A of the Gujarat Legislative Assembly rules for general information.

GUJARAT BILL NO. OF 28 2016

THE GUJARAT HERITAGE CONSERVATION BILL, 2016

A Bill

to provide for identification, documentation, conservation and regulation of heritage assets in the State of Gujarat and for the matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-Seventh Year of the Republic of India, as follows:-

- 1.(1) This Act may be called the Gujarat Heritage Conservation Act, 2016.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

No-application
of the Act.

2. Nothing in this Act shall apply to-
- (i) ancient and historical monuments, or archaeological sites or remains, declared by or under any law made by parliament to be of national importance;
 - (ii) any antiquities to which the Ancient Monuments and Archaeological sites and remains Act, 1958 (Central Act. No. 24 of 1958) applies;
 - (iii) any antiquities or art treasure to which the Antiquates and Art Treasure Act, 1972 (Central Act. No. 52 of 1972) applies; or
 - (iv) any ancient or historical Monuments, or archaeological sites and remains antiquities to which the Gujarat Ancient Monuments and Archaeological Sites and Remains Act, 1965 (Central Act. No. 25 of 1965) applies;

Definitions

3. In this Act, unless the context otherwise requires,-

- (a) "Authority" means the Gujarat Heritage Authority constituted under section 12;
- (b) "competent authority" means an officer of the State Government specified, by notification in the Official Gazette, as the competent authority by the State Government to perform functions under this Act:

Provided that the State Government may, by notification in the Official Gazette, specify different competent authorities for different areas and define their jurisdiction;

- (c) "conservation", in relation to a heritage asset, means the management of that asset in a manner that will enable the heritage significance of that asset to be retained and includes the preservation, protection, restoration, re-construction, adaptation and maintenance of that asset;
- (d) "construction" means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, but does not include any reconstruction, repair and renovation of an existing structure or building;
- (e) "Council" means the Gujarat State Heritage Council constituted under section 10;
- (f) "heritage asset" means the built heritage associated with historical and cultural background and natural appurtenants and includes buildings, structures, sites, streets, landscapes, parks, gardens,

localities, precincts, towns and other natural features and sites which are associated with built heritage, and which have aesthetic, cultural, historical, scientific, social, ecological, environmental or spiritual significance;

- (g) "heritage bye-laws" means the heritage bye-laws made under section 9;
- (h) "heritage databank" means a record of all heritage assets and other related data of heritage assets;
- (i) "Heritage Fund" means the Gujarat Heritage Fund established under section 22;
- (j) "level of significance" indicates the context in which a heritage asset is important. A heritage asset can have more than one level of significance, however, for the purposes of this Act the following three levels of significance shall be taken in account, namely:-
 - (i) State level significance- such assets which are of world, national or State importance and are listed in the heritage databanks as State level heritage;
 - (ii) District level significance -such assets which are of regional or
 - ~~(iii) Local level significance- such assets which are of city level or~~
local level importance and are listed in the heritage databank as local level heritage;
- (k) "listing" means documenting heritage asset and assigning heritage status to these assets in terms of their level of significance;
- (l) "local authority" means a Municipality constituted under the Gujarat Municipalities Act, 1963 (Act No.34 of 1964), a Panchayati Raj Institution constituted under the Gujarat Panchayats Act, 1963 (Act No. 18 of 1993), and Municipal corporation constituted under the Gujarat Provincial Municipal corporation Act, 1949 (Act No.59 of 1994)
- (m) "prescribed" means prescribed by rules made under this Act;
- (n) "re-construction" means any erection of a structure or building to its pre-existing structure, having the same horizontal and vertical limits;
- (o) "regulated area" means the area specified in section 6;
- (p) "repair and renovation" means alterations to a pre-existing structure or building, but shall not include construction or re-construction;

- (q) "Secretary in-charge" means the Secretary to the Government in-charge of a department and includes an Additional Chief Secretary and a Principal Secretary when he is in charge of a department.

Categorisation and classification of heritage assets.

4. (1) The State Government shall, on the recommendation of the Council, prescribe categories of heritage assets and while prescribing such categories it shall have regard to the aesthetic, cultural, historical, scientific, social, ecological, environmental or spiritual, archaeological and architectural value and such other factors as may be relevant for the purpose of such categorization.

- (2) The State Government shall, on the recommendation of the Council, classify all the heritage assets in accordance with the categories prescribed under sub-section (1) and thereafter make the same available to the public and exhibit the same on its website and also in such other manner as it may deem fit.

Declaration of certain heritage assets as protected heritage assets

5. (1) The State Government may, on the recommendation of the Council, declare for the purposes of this Act any heritage asset to be a protected heritage asset.

(2) Before making any such declaration as is referred to in sub-section (1), the State Government shall, by notification in the Official Gazette, give two months' notice of its intention to do so and a copy of such notification along with a statement of the reasons for which such declaration is proposed to be made, shall be affixed in a conspicuous place at or near the heritage asset which is proposed to be declared as protected.

(3) Any person interested in any such heritage asset may, within two months after the publication of such notification in the Official Gazette, object to the proposed declaration.

(4) On the expiration of the said period of two months the State Government may, after considering the objections, if any, received by it, declare by notification in the Official Gazette a heritage asset to be a protected heritage asset.

(5) Notwithstanding anything contained in sub-sections (2) and (3), where the State Government is satisfied with respect to any heritage asset, that there is immediate danger of its removal or destruction, it may instead of proceeding under the said sub-sections, by notification in the Official Gazette and for reasons of its satisfaction to be recorded in such notification, forth with make a declaration under sub-section (4) in respect of any such heritage asset: Provided that any person interested in any such heritage asset may within two months after the publication of such notification object to the declaration so made and the State Government after giving to such person an opportunity of being heard, may by order in writing dismiss the objection or withdraw the notification.

6. (1) Every area wherein a heritage asset is situated and such area adjoining the protected heritage asset as may be specified, on the recommendation of the Council, by the rules made in this behalf shall be the regulated area in respect of such heritage asset. **Regulated area in respect of a heritage asset.**
- (2) Save as otherwise provided in section 7, no person shall carry out any construction or re-construction or repair or renovation in regulated area.
7. Any person, who owns or possesses any building or structure or land in any regulated area, and desires to carry out any construction or re-construction or repair or renovation of such building or structure on such land, as the case may be, may make an application to the competent authority for carrying out construction or re-construction or repair or renovation, as the case may be. **Application for construction or reconstruction or repair or renovation in regulated area**
8. (1) Every application for grant of permission under section 7 shall be made to the competent authority in such manner as may be prescribed. **Grant of permission by competent authority within regulated area**
- (2) The competent authority shall, within fifteen days of the receipt of the application, forward the same to the Authority to consider impact of such construction having regard to the heritage bye-laws.
- (3) The Authority shall, within two months from the date of receipt of application under sub-section (2), recommend to the competent authority either to grant permission or refuse the same.

(5) The recommendations of the Authority shall be final.

(6) In case the competent authority refuses to grant permission under this section, it shall, by order in writing, after giving an opportunity to the concerned person, intimate such refusal within three months from the date of receipt of the application to the applicant.

(7) If the competent authority, after grant of the permission under sub-section (4) and during the carrying out of the repair or renovation work or re-construction of building or construction referred to in that sub-section, is of the opinion (on the basis of material in his possession or otherwise) that such repair or renovation work or re-construction of building or construction is likely to have an adverse impact on the preservation, safety, security or access to the heritage asset considerably, it may refer the same to the Authority for its recommendations and if so recommended, withdraw the permission granted under sub-section (4) if so required;

Provided that the competent authority may, in exceptional cases, with the approval of the Authority grant permission to the applicant referred to in section 7 until the heritage bye-laws have been prepared under sub-section (1) of section 9 and published under sub-section (6) of that section.

**Heritage
bye-laws.**

- (8) The competent authority shall exhibit, on its website, all the permissions granted or refused under this Act.
9. (1) The Authority shall prepare heritage bye-laws in respect of protected heritage assets.
- (2) The heritage bye-laws referred to in sub-section (1) shall, in addition to such matters as may be prescribed, include matters relating to heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines).
- (3) The State Government shall, by rules, specify the time within which such heritage bye-laws shall be prepared, particulars to be included in each such heritage bye-laws and the manner of preparation of detailed site plans in respect of protected heritage assets and regulated area.
- (4) The Authority for the purpose of preparation of detailed site plans and heritage bye-laws may appoint such number of experts or consultants as it may deem fit.
- (5) A copy of the heritage bye-laws prepared under subsection (1) shall be forwarded to the Council for its approval.
- (6) The heritage bye-laws shall, after the approval of the Council, be published by the Authority by notification in the Official Gazette and they shall come into force on the date they are so published.
- (7) A copy of the heritage bye-laws, as published under sub-section (6) shall be laid before the House of State Legislature.
- (8) The heritage bye-laws shall be made available by the competent authority to the public, by exhibiting the same on its website and also in such other manner as it may deem fit.

**Constitu-
tion of
State
Heritage
Council.**

10. (1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, constitute a Heritage Council to be called as the Gujarat State Heritage Council.
- (2) The Council shall consist of the following, namely:-
- | | | |
|--------|--|--------------------------|
| (i) | <i>Chief Minister of Gujarat</i> | <i>Chairperson;</i> |
| (ii) | <i>Three Ministers to be nominated by the Chief Minister, one of whom shall also be nominated as Vice-Chairperson</i> | |
| (iii) | <i>Secretary in charge of Finance Department</i> | <i>Member;</i> |
| (iv) | <i>Secretary in charge of Panchayati Raj Department</i> | <i>Member;</i> |
| (v) | <i>Secretary in charge of Tourism Department</i> | <i>Member;</i> |
| (vi) | <i>Secretary in charge of Urban Development and Housing Department</i> | <i>Member;</i> |
| (vii) | <i>Secretary in charge of Environment Department</i> | <i>Member;</i> |
| (viii) | <i>Not less than four and not more than eight experts from the fields of Heritage Conservation, Architecture, Town Planning, History, Civil Engineering or Environment to be nominated by the State Government</i> | <i>Members;</i> |
| (ix) | <i>Secretary in charge of Sports, Youth and Cultural Activities Department</i> | <i>Member Secretary;</i> |

(3) Every member of the Council, including its Chairperson and Vice-Chairperson, shall disclose information regarding their direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council and remove himself from all meetings and proceedings before the Council concerning such matter.

(4) In absence of the Chairperson, the meeting of the Council shall be presided over by the Vice-Chairperson.

(5) The Council may invite any expert or special invitees for its assistance and such expert or special invitee may take part in deliberations in meetings of the Council but shall not be entitled to vote thereat.

(6) The non-Government members of the Council shall be entitled to receive such allowances as may be prescribed.

(7) The State Council shall endeavor to conduct a minimum of two meetings per year, and the requisite quorum shall not be less than fifty percent of the total strength of members.

(8) The Council shall follow such rules of procedure while transacting business at its meetings as may be prescribed.

11. The Council shall supervise, control and direct the functions of the Authority and the competent authorities and in particular and without prejudice to the foregoing general power, exercise and discharge the following powers and functions, namely:-

**Functions
and
powers of
the
Council**

(a) to recommend to the State Government categories and classes of

(c) to approve the heritage bye-laws prepared by the Authority;

(d) to prepare and recommend to the State Government the State Heritage Conservation Policy;

(e) to approve heritage conservation plan prepared by the Authority;

(f) to seek and establish partnerships in heritage conservation efforts between state, national, and external organizations as well as private sector;

(g) to exercise or discharge such other powers and functions as may be prescribed.

12. (1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, constitute an authority to be called as the Gujarat Heritage Authority.

**Constitution
of State
Heritage
Authority**

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of a Chairperson, to be nominated by the Chief Minister, who shall be an eminent person having knowledge and experience of fifteen years in the fields of Heritage Conservation, Architecture, Town Planning or History and following other members, namely:-

- | | | |
|-------|--|--------------------------|
| (i) | <i>Member Secretary of Heritage Council</i> | <i>Vice Chairperson;</i> |
| (ii) | <i>Secretary in charge of Urban Development and Housing Department</i> | <i>Member;</i> |
| (iii) | <i>Secretary in charge of Tourism Department</i> | <i>Member;</i> |
| (iv) | <i>Secretary in charge of Panchayati Raj Department</i> | <i>Member;</i> |
| (v) | <i>Secretary in charge of Environment Department</i> | <i>Member;</i> |
| (vi) | <i>Not less than three and not more than five experts from the fields of Heritage Conservation, Architecture, Town Planning, History, Civil Engineering or Environment to be nominated by the State Government</i> | <i>Members;</i> |
| (vii) | <i>Director of Archaeology and Museum, Gujarat,</i> | <i>Member-Secretary;</i> |

(4) Every member of Authority including its Chairperson and Vice-Chairperson, shall disclose information regarding their direct or indirect pecuniary interest in a matter being considered or about to be considered by the Authority and remove himself from all meetings and proceedings before the Authority concerning such matter.

(5) In absence of the Chairperson, the meeting of the Authority shall be presided over by the Vice-Chairperson.

(6) The Authority may invite any expert or special invitees for its assistance and such expert or special invitee may take part in deliberations in meetings of the Council but shall not be entitled to vote thereat.

(7) The non-Government members of the Authority shall be entitled to receive such allowances as may be prescribed.

(8) The Authority may meet as often as necessary but endeavour to meet at least once in each quarter.

(9) The requisite quorum for the meeting shall be fifty percent of the total strength of the members.

(10) The Authority shall follow such rules of procedure while transacting business at its meetings as may be prescribed.

**Function
and
power of
the
Authority**

13. The Authority shall exercise and discharge the following powers and functions, namely

- (a) to identify and prepare list and databank of heritage assets in the State;
- (b) to prepare heritage be-laws ;
- (c) to proposed to the Council to make recommendation to the State Government for declaration of a heritage asset as protected heritage asset;
- (d) to conduct survey and prepare site plan of the protected heritage assets and the regulated area declared under section 6;
- (e) to prepare and implement heritage conservation plans;

- (f) oversee the working of the competent authorities;
- (g) to suggest measures for implementation of the provisions of the Act;
- (h) to make recommendations to the competent authority for grant of permission under section 8;
- (i) to acquire rights in heritage assets by way of purchase, lease, gift or bequest for the purpose of conservation;
- (j) to enter into agreement with the owners of a protected heritage asset for their conservation;
- (k) to enter into agreement with any person, firm or trust for the conservation of the heritage assets vested in it or the State Government or in which it has acquired rights or the purposes of conservation;
- (l) to administer the Heritage Fund;
- (m) to prepare and formulate schemes for heritage tourism, including setting up amenities around the heritage site, and conducive transport and connectivity;
- (n) to conduct training programmes in heritage conservation;
- (o) to exercise or discharge such other powers and functions as may be prescribed.

14. (1) The Authority may propose to the owner of a protected heritage asset to enter into an agreement with the Authority within a specified

Conservation
of protected

- (a) the maintenance and upkeep of the heritage asset;
- (b) the custody of the heritage asset and the duties of any person who may be employed to watch it;
- (c) the restriction of the owner's right -
 - (i) to use the heritage asset for any purpose, or
 - (ii) to charge any fee for entry into, or inspection of, the heritage asset, or
 - (iii) to destroy, injure, mutilate, deface, alter, repair, remove or disperse the heritage asset or to allow it to fall into decay;
- (d) the facilities of access to be permitted to the public or any section thereof or to officers of the Authority or to persons deputed by the owner or any officer of the Authority to inspect or maintain the heritage asset;
- (e) the notice to be given to the Authority in case the land on which the heritage asset is situated or any adjoining land is offered for sale by the owner, and the right to be reserved to the Authority to purchase such land, or any specified portion of such land, at its market value;
- (f) the payments of any expenses incurred by the owner or by the Authority in connection with the maintenance and upkeep of the heritage asset;

- (g) the proprietary or other rights which are to vest in the Authority in respect of the heritage asset when any expenses are incurred by the Authority in connection with the maintenance and upkeep of the heritage asset;
- (h) the appointment of an authority to decide any dispute arising out of the agreement; and
- (i) any matter connected with the maintenance and upkeep of the heritage asset which is a proper subject of agreement between the owner and the Authority.

(3) The terms of an agreement under this section may be altered from time to time by the Authority with the consent of the owner.

(4) The Authority or the owner may, at any time after the expiration of three years from the date of execution of an agreement under this section, terminate it on giving six months' notice in writing to the other party:

Provided that, where the agreement is terminated by the owner he shall pay to the Authority the expenses, if any, incurred by it on the maintenance and upkeep of the heritage asset during the five years immediately preceding the termination of the agreement or, if the agreement has been in force for a shorter period, during the period the agreement was in force.

(5) An agreement under this section shall be binding on any person claiming to be the owner of the heritage asset to which it relates, from, through or under a party by whom or on whose behalf the agreement was executed.

Failure or refusal to enter into agreement

15. (1) If any owner or other person competent to enter into an agreement under section 14 for the maintenance and upkeep of a protected heritage asset refuses or fails to enter into such an agreement, the Authority may make an order providing for all or any of the matters specified in sub-section (2) of section 14.

(2) No order under sub-section (1) shall be made unless the owner or such other person has been given an opportunity of making a representation in writing and being heard against the proposed order.

(3) Every order made under sub-section (1) shall be binding on the owner or such other person and on every person claiming title to the heritage asset from, through or under the owner or such other person.

(4) When an order made sub-section (1) provides that the heritage asset shall be maintained by the owner or other person competent to enter into an agreement, all reasonable expenses for the maintenance and upkeep of the heritage asset shall be payable by the Authority.

Enforcement of agreements.

16. (1) If an owner or other person who is bound by an agreement for the maintenance and upkeep of a protected heritage asset under section 14 refuses or fails, within such reasonable time as the Authority may fix, to do any act which in the opinion of the Authority is necessary for the maintenance and upkeep of the heritage asset, the Authority may authorise any person to do any such act, and the owner or other person shall be liable to pay the expenses of doing any such act or such portion of the expenses as the owner may be liable to pay under the agreement.

(2) If any dispute arises regarding the amount of expenses payable by the owner or other person under sub-section (1), it shall be referred to the State Government whose decision shall be final.

17. (1) If the Competent Authority apprehends that the owner or occupier of a protected heritage asset intends to destroy, injure, mutilate, deface, alter, disperse, remove, imperil or misuse the heritage asset or to allow it to fall into decay heritage asset in contravention of the terms of agreement under section 14, it may, after giving such owner or occupier an opportunity of making a representation in writing, make an order prohibiting any such contravention of the agreement:

Power to make order prohibiting contravention of agreement

Provided that no such opportunity may be given in any case where the Competent Authority, for reasons to be recorded in writing, is satisfied that it is not expedient or practicable to do so.

(2) Any person aggrieved by an order made under subsection (1) may appeal to the Authority within such time and in such manner as may be prescribed and the decision of the Authority shall be final.

18. Every person who purchases any land on which is situated a protected heritage asset in respect of which any instrument has been executed by the owner for the time being under section 14, and every person claiming any right, title or interest to or in heritage asset from, through or under an owner who executed any such instrument, shall be bound by such instrument.

Purchasers and persons claiming through owner bound by instrument

19. (1) The Authority may, for the purpose of conservation of a heritage asset vested in it or in the State Government or in which it has

Power to enter into

heritage assets

(2) Notwithstanding anything contained in section 20, the person, firm or trust referred to in sub-section(1) shall be entitled to collect and retain the whole or such portion of the fee leviable under section 20 and for such period, as may be agreed upon between the Authority and such person, firm or trust, as the case may be, having regard to the expenditure involved in the maintenance of the heritage asset and collection of fee, interest on the capital invested, reasonable return on the investment and the volume of visitors.

20. (1) The Authority may, by notification in the Official Gazette, levy entrance fee in respect of heritage assets referred to in sub-section (1) of section 19, at such rates not exceeding two thousand five hundred rupees per head, as may be specified in such notification:

Power to levy entrance fee

Provided that the Authority may, by like notification, exempt, wholly or partly, any class of persons from the payment of entrance fee and shall so exempt if directed so by the State Government.

(2) Such entrance fee when so levied shall be collected in such manner as may be determined by the Authority.

21. (1) For the purpose of discharging its functions, the Authority may, with the prior approval of the State Government, appoint such number of officers and employees as it may consider necessary.

Staff of the Authority

(2) The salary, allowances and other terms and conditions of service of the officers and employees of the Authority shall be such as may be

prescribed by regulations made by the Authority with the prior approval of the State Government.

**Heritage
Fund**

22.(1) There shall be established a fund known as the Gujarat Heritage Fund for the purposes of this Act.

(2) The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Heritage Fund by way of grants such sum of money as the State Government may think fit for being utilised for the purposes of this Act.

(3) In addition to the sum of money paid by the State Government under sub-section (2), the following shall be credited to the Heritage Fund, namely:-

(a) contributions, aids or donations from Central Government, national or international agencies, non-government organizations or agencies for the purpose of heritage conservation or donations from any trusts, societies, associations of persons, individuals etc., interested in heritage conservation;

(b) any sum of money received by the Authority by way of fees;

(c) any other sum of money received by the State Government, the Council or the Authority for the purpose of heritage conservation.

(4) The Heritage Funds shall be utilised by the Authority for meeting out the expenses incurred in the carrying out the purposes of this Act including the payment of allowances to the non-Government members of the Council and the Authority, payment of salaries and allowances to the officers and staff of the Authority.

(5) The Heritage Fund shall be administered by the Authority in such manner as may be prescribed.

Budget

23 (1) The Authority shall prepare in each financial year, in such form and at such time as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same for the approval of the Council and the State Government. (2) The Authority shall not incur any expenditure otherwise than in accordance with the budget provisions as approved by the State Government.

**Annual
report**

24. The Authority shall prepare, in such form and at such time as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and its plans for the forthcoming year, and submit a copy thereof to the State Government and the Council. Every annual report shall also contain a review of the performance of the Authority in respect of the plans contained in the preceding annual report.

**Accounts
and audit**

25. (1) The accounts of the Authority shall be maintained in such form and manner as may prescribe and shall be audited by the Director of Local Fund Audit Department or by such other person or body as the State Government may determine from time to time.

(2) The Authority shall furnish to the State Government before such date as may be prescribed a copy of its audited accounts together with the auditor's report thereon.

26. The State Government shall cause the annual report of the Authority and the auditor's report to be laid, as soon as may be, after they are received, before the House of the State Legislature.
- Annual report and auditor's report to be laid before the State Legislature
27. The Authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions as the Council may give in writing to it from time to time:
- Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this section.
- Power of the Council to issue directions to Authority
28. The competent authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions, as the Authority may give in writing to it from time to time.
- Power of the Authority to issue directions to competent authority
29. No civil court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.
- Bar of jurisdiction of civil court
-
- competent authority, as the case may be, to furnish in writing such information, in such form and manner as may be prescribed, relating to its affairs as the State Government or the Council may require.
- information
31. (1) Notwithstanding anything to the contrary contained in any Gujaratlaw, the local authorities shall be bound to assist the Council and the Authority in discharge of their functions under this Act and provide all the reasonable assistance required by the Council or the Authority or any officer or employee of the Authority required by them in connection with the carrying out the provisions of this Act.
- Local authorities to assist the Council and the Authority.
- (2) If any local authority incurs any expenditure in complying with any requisition made under sub-section(1), the Authority shall reimburse such expenses.
- (3) If any dispute arises between the Authority and a local authority regarding the amount of the expenses payable by the Authority, the same shall be referred to the State Government and the decision of the State Government thereon shall be final and binding on the Authority and the local authority concerned.
32. (1) Whoever -
- Penalties
- (a) destroys, injures, mutilates, defaces, alters, removes, disperses, misuses, imperils or allows to fall into decay a protected heritage asset, or
- (b) being the owner or occupier of protected heritage asset, contravenes an order made under section 17, or

(c) carries out any construction, re-construction or repair and renovation in the regulated area without the previous permission of the competent authority or in contravention of the permission granted by the competent authority, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to fifty thousand rupees or with both.

(2) Whoever contravenes any other provisions of this Act or the provisions of the rules, regulations or bye-laws made thereunder shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to twenty thousand rupees or with both.

(3) If any officer of the State Government, the Authority or any local authority enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any unauthorised construction, re-construction or repair or renovation takes place in a regulated area, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

The members, officers and employees of the Council and the Authority to be public servants.

33. All members, officers and employees of the Council and the Authority shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule, regulation or bye-law made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

Protection of action taken in

34. No suit, prosecution or other legal proceeding shall lie against the Council or the Authority or any member or officer or employee thereof for anything which is in good faith done or intended to be done under this Act or the rules, regulations or bye-laws made thereunder.

Power of entry

35. Subject to any rules made in this behalf, any person, generally or specially authorised by the State Government or the Council or the Authority in this behalf, may, whenever it is necessary so to do for any of the purposes of this Act, at all reasonable times, enter upon any land or premises, and-

- (a) make any inspection, survey, measurement, valuation or enquiry;
- (b) take levels;
- (c) dig or bore into sub-soil;
- (d) set out boundaries and intended lines of work;
- (e) mark such boundaries and lines by placing marks and cutting trenches; or
- (f) do such other acts or things as may be prescribed:

Provided that no such person shall enter any boundary or any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

36. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

**Power to
make
rules**

(2) Every rule made under this Act shall be laid, as soon as may be after it is so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or of the sessions immediately following, the House of the State Legislature makes any modification in the rule or resolves that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

STATEMENT OF OBJECTS AND REASONS

The State of Gujarat has rich heritage inherited from the past, therefore, it shall be the duty of the State to value and preserve the rich heritage of our culture such as architecturally and aesthetically beautiful and cultural buildings, their surroundings, etc. and to protect and improve the natural surroundings appurtenant to the heritage assets.

Maintenance, adaptation, use and re-use can allow the architectural heritage to yield aesthetic, environmental and economic benefits even where the original use may no longer be viable. The creative challenge is to find appropriate ways to satisfy the requirements of a structure to be safe, durable and useful on the one hand, and to retain its character and historical and architectural interest on the other.

To undertake the issues in heritage conservation it is considered appropriate to identify the heritage assets which merit conservation and to categorize and classify them based on their aesthetic, cultural, historical, scientific, social, ecological environmental or spiritual significance and also to provide for their protection.

The Bill seeks to achieve the aforesaid objectives.

Hence the Bill.

Gandhinagar
Dated the 9th February, 2016

BALVANTSINH RAJPUT
M.L.A.

FINANCIAL MEMORANDUM

Clauses 10, 12, 14 and 22 of the Bill provide for constitution of State Heritage Council and Heritage Authority for the purpose of discharging the functions prescribed in the Bill. The Secretariat of this Council and Authority will be established in Archaeology and Museum Department, Gujarat.

The State Government shall pay to the Heritage Fund by way of grants as may think fit for utilising for the purpose of this Bill.

The estimated expenditure shall be rupees 151 lac, out of which Rupees 300 lac shall be recurring expenditure for one year and rupees 200 lac as non-recurring expenditure.

Gandhinagar
Dated the 9th February, 2016

BALVANTSINH RAJPUT
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Following clauses of the Bill, if enacted, shall empower, the State Government to make rules and Authority to make regulations with respect to matters stated against each such clause:-

- | | |
|--------|---|
| 4(1) | prescribing the categories of heritage assets on the recommendation of the Council; |
| 8(1) | prescribing the manner in which the application for grant of permission shall be made to the competent authority; |
| 9(2) | prescribing the matters which shall be included in heritage bye-laws; |
| 10(6) | prescribing the allowances of non-Government members of the Council; |
| 10(8) | prescribing the rules of procedure, while transacting its business, to be followed by the Council; |
| 11(g) | prescribing the other powers and functions of the Council; |
| 12(7) | prescribing the allowances of non-Government members of the Authority; |
| 12(10) | prescribing the rules of procedure, while transacting its business, to be followed by the Authority; |
| 13(o) | prescribing the other powers and functions of the Authority; |
| 17(2) | prescribing the time and manner in which the appeal to the Authority; |
| 22 (5) | prescribing the manner in which, the Heritage Fund shall be administered by the Authority; |
| 23 (1) | prescribing the form in which and time at which the budget shall be prepared by the Authority; |

- 24 prescribing the form in which and time at which the annual report shall be prepared by the Authority;
- 25 (1) prescribing the form and manner in which the Authority shall maintain the accounts;
- 25 (2) prescribing the date before which the Authority shall furnish a copy of its audited accounts together with the auditor's report to the State Government;
- 30 prescribing the form and manner in which the information in writing to be furnished;
- 35 (f) prescribing the other acts or things to be done by any person authorized by the State Government or the Council or the Authority;
- 36 generally to carry out the purposes of this Act;

Authority

- 21 (2) prescribing the salary, allowances and other terms and conditions of service of the officers and employees of the Authority.

The proposed delegation is of normal character and mainly relates to the matters of detail.

Gandhinagar
Dated the 9th February, 2016

BALVANTSINH RAJPUT
M.L.A.

Gandhinagar
Dated the 22nd March, 2016

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

THE GUJARAT APPROPRIATION BILL, 2016.

GUJARAT BILL NO. 29 OF 2016.

A BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2017.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Appropriation Act, 2016.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of one lakh fifty-one thousand eight hundred fifty-one crores, ninety-three lakhs twenty-nine thousand rupees towards defraying the several charges which will

Withdrawal of
₹15,18,51,93,29,000/-
from and out of the
Consolidated
Fund of the State
of Gujarat for the
financial year
2016-17.

come in course of payment during the financial year 2016-17 in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE
(See sections 2 and 3)

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
1	Agriculture and Co-operation Department	Revenue	186924000		186924000
		Capital	4000000		4000000
2	Agriculture	Revenue	28470728000		28470728000
		Capital	1315000000		1315000000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	1037331000		1037331000
		Capital	921453000		921453000
	Animal				

6	Fisheries	Capital	988601000		988601000
		Revenue	1729258000		1729258000
		Capital	2680000000		2680000000
7	Other expenditure pertaining to Agriculture and Co-operation Department.	Capital	2600000		2600000
8	Education Department	Revenue	126039000		126039000
9	Education	Revenue	204213188000	2321000000	206534188000
		Capital	8921477000		8921477000
10	Other expenditure pertaining to Education Department	Revenue	21056000		21056000
		Capital	405150000		405150000
11	Energy and Petro-chemicals Department	Revenue	41151000		41151000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
12	Tax collection charges (Energy and Petro-chemicals Department)	Revenue	208371000		208371000
13	Power Projects	Revenue	49708233000		49708233000
		Capital	22712385000		22712385000
14	Other expenditure pertaining to Energy and Petro-chemicals Department	Revenue	9959000		9959000
		Capital	1302000		1302000
15	Finance Department	Revenue	210376000		210376000
16	Tax Collection Charges (Finance Department)	Revenue	2977530000		2977530000
17	Treasury and Accounts Administration	Revenue	1574021000		1574021000
18	Pension and other Retirement Benefits	Revenue	80633042000		80633042000
19	Other expenditure pertaining to Finance Department	Revenue	57685507000		57685507000
		Capital	6750000	100000	6850000
20	Repayment of Debt pertaining to Finance Department and its servicing	Revenue		166443424000	166443424000
		Capital		86217474000	86217474000
21	Food, Civil Supplies and Consumer Affairs Department.	Revenue	272986000		272986000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
22	Civil Supplies	Revenue	6802602000		6802602000
23	Food	Revenue	603083000		603083000
		Capital	1356300000		1356300000
24	Other expenditure Pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	101000		101000
25	Forests and Environment Department	Revenue	186008000		186008000
26	Forests	Revenue	4839839000	2250000	4842089000

28	expenditure pertaining to Forest and Environment Department.	Capital	4440000		4440000
29	Governor	Revenue		66656000	66656000
30	Council of Ministers	Revenue	46450000		46450000
31	Elections	Revenue	999795000		999795000
32	Public Service Commission	Revenue	121420000	220372000	341792000
33	General Administration Department	Revenue	1011531000		1011531000
34	Economic Advice and Statistics	Revenue	313877000		313877000
35	Other expenditure pertaining to General Administration Department	Revenue	248451000	2340000	250791000
		Capital	10436656000		10436656000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
36	State Legislature	Revenue	306603000	3480000	310083000
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	3407000		3407000
38	Health and Family Welfare Department	Revenue	93822000		93822000
39	Medical and Public Health	Revenue	45282785000		45282785000
		Capital	15198419000		15198419000
40	Family Welfare	Revenue	7399638000		7399638000
		Capital	231000000		231000000
41	Other expenditure pertaining to Health and Family Welfare Department	Revenue		3036000	3036000
		Capital	3500000		3500000
42	Home Department	Revenue	149911000		149911000
43	Police	Revenue	35994984000		35994984000
44	Jails	Revenue	1149162000		1149162000
45	State Excise	Revenue	176037000		176037000
46	Other expenditure pertaining to Home Department.	Revenue	2028450000	3501000	2031951000
		Capital	6429980000		6429980000
47	Industries and Mines Department.	Revenue	138859000		138859000
48	Stationery and Printing	Revenue	618442000		618442000
		Capital	6000000		6000000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
49	Industries	Revenue	21318753000		21318753000
		Capital	1537741000		1537741000
50	Mines and Minerals	Revenue	2197713000		2197713000
		Capital	25500000		25500000
51	Tourism	Revenue	1096168000		1096168000
		Capital	4261000000		4261000000
52	Other expenditure pertaining to Industries and Mines Department	Revenue	832050000		832050000
		Capital	2002000000		2002000000
53	Information and Broadcasting	Revenue	20450000		20450000

	Publicity				1233783000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	205210000		205210000
		Capital	3000000		3000000
56	Labour and Employment Department	Revenue	184417000		184417000
57	Labour and Employment	Revenue	8258723000		8258723000
		Capital	1001225000		1001225000
58	Other expenditure Pertaining to Labour and Employment Department	Capital	3200000		3200000
59	Legal Department	Revenue	142477000		142477000
60	Administration of Justice	Revenue	9726713000	1482418000	11209131000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
61	Other expenditure pertaining to Legal Department	Revenue	627097000		627097000
		Capital	17700000		17700000
62	Legislative and Parliamentary Affairs Department	Revenue	78200000		78200000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	850000		850000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	168460000		168460000
65	Narmada Development Scheme	Capital	39180000000		39180000000
66	Irrigation and Soil Conservation	Revenue	9747418000	3500000	9750918000
		Capital	34736294000	500000000	35236294000
67	Water Supply	Revenue	1219200000		1219200000
		Capital	19171700000		19171700000
68	Other expenditure pertaining to Narmada Water Resources, Water Supply and Kalpsar Department.	Revenue		1000000000	1000000000
		Capital	8500000		8500000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	112510000		112510000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
70	Community Development	Revenue	24411361000		24411361000
71	Rural Housing and Rural Development	Revenue	16441291000	3010400000	19451691000
72	Compensation and Assignments	Revenue	1444189000		1444189000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development	Revenue	6678420000		6678420000
		Capital	30100000		30100000

		Capital	5349707000		5349707000
75	Other expenditure pertaining to Ports and Transport Department	Revenue	899300000		899300000
		Capital	250002000		250002000
76	Revenue Department	Revenue	307729000		307729000
77	Tax collection charges(Revenue Department)	Revenue	2888304000		2888304000
78	District Administration	Revenue	4180686000		4180686000
79	Relief on account of Natural calamities	Revenue	16093688000		16093688000
		Capital	914000000		914000000
80	Dang District	Revenue	489601000		489601000
81	Compensation and Assignment	Revenue	2757004000	700000	2757704000
		Capital	300000	200000	500000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
82	Other expenditure pertaining to Revenue Department	Revenue	19241000		19241000
		Capital	2610000		2610000
83	Roads and Buildings Department	Revenue	158763000		158763000
84	Non-Residential Buildings	Revenue	6174705000	6200000	6180905000
		Capital	14644645000		14644645000
85	Residential Buildings	Revenue	1721079000		1721079000
		Capital	2637945000		2637945000
86	Roads and Bridges	Revenue	33377991000	41000000	33418991000
		Capital	22081697000	45000000	22126697000
87	Gujarat Capital Construction Scheme	Revenue	156478000		156478000
		Capital	1979100000	900000	1980000000
88	Other expenditures pertaining to Roads and Buildings Department	Revenue	309317000	150000000	459317000
		Capital	56800000		56800000
89	Science and Technology Department	Revenue	2549580000		2549580000
90	Other expenditure pertaining to Science and Technology Department	Revenue	1134675000		1134675000
		Capital	52009000		52009000
91	Social Justice and Empowerment Department	Revenue	69526000		69526000
92	Social security and welfare	Revenue	14654688000	22300000	14676988000
		Capital	635680000		635680000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
93	Welfare of Scheduled Tribes	Revenue	3194758000		3194758000
		Capital	400893000		400893000
94	Other expenditure pertaining to Social Justice and Empowerment Department	Capital	1600000		1600000
95	Scheduled Castes Sub-Plan	Revenue	33253514000		33253514000
		Capital	10657930000		10657930000
96	Tribal Area Sub- Plan	Revenue	69980170000	60000000	70040170000
		Capital	37280811000	30000000	37310811000

	Department				
98	Youth Services and Cultural Activities	Revenue	3827982000		3827982000
		Capital	790415000		790415000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	1106000		1106000
100	Urban Development and Urban Housing Department	Revenue	55900000		55900000
101	Urban Housing	Revenue	5943773000	1637975000	7581748000
102	Urban Development	Revenue	83389475000		83389475000
		Capital	7270100000		7270100000
103	Compensation, Assignment and Tax Collection Charges	Revenue	1582000000	300000000	1882000000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
104	Other expenditure Pertaining to Urban Development and Urban Housing Department	Revenue	3225000		3225000
		Capital	1100000		1100000
105	Women and Child Development Department	Revenue	32758000		32758000
106	Other expenditure pertaining to Women and Child Development Department	Revenue	18646452000	9000000	18655452000
		Capital	837900000		837900000
107	Climate Change Department	Revenue	9390000		9390000
108	Other expenditure Pertaining to Climate Change Department	Revenue	956000000		956000000
Total Revenue		Revenue	971311890000	176789552000	1148101442000
Total Capital		Capital	283624213000	86793674000	370417887000
Grand Total			1254936103000	263583226000	1518519329000

STATEMENT OF OBJECTS AND REASONS

Article 204 (1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State, of all moneys required to meet-

- (a) the grants so made by the Assembly, and
- (b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the expenditure charged on the Consolidated Fund of the State for the financial year ending on the 31st March, 2017.

(a)	Revenue Expenditure	1148101442000
(b)	Capital Expenditure	370417887000

Total :-

1518519329000

Dated the 28th March, 2016.

SAURABH PATEL.

By order and in the name of Governor of Gujarat,

Gandhinagar,
Dated the 28th March, 2016.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

GUJARAT BILL NO. 30 OF 2016.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial years ending on the thirty-first day of March, 2004, thirty-first day of March, 2005, thirty-first day of March, 2006 and thirty-first day of March, 2007.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Appropriation (Excess Short title. Expenditure) Act, 2016.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of Schedule I hereto annexed amounting in the aggregate to the sum of four hundred one crores, twenty-five lakhs, sixty-eight thousand rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 2004, in respect of the services and purposes specified in column 2 of Schedule I.

Issue of
₹ 4,01,25,68,000
from and out of the
Consolidated Fund
of the State of
Gujarat for the
financial year
2003-2004.

Issue of
₹ 17,87,26,42,000
from and out of
the Consolidated
Fund of the State
of Gujarat for the
financial year
2004-2005.

3. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of Schedule II hereto annexed amounting in the aggregate to the sum of seventeen hundred eighty seven crores, twenty-six lakhs, forty-two thousand rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 2005, in respect of the services and purposes specified in column 2 of Schedule II.

Issue of
₹ 21,59,83,00,000
from and out of
the Consolidated
Fund of the State
of Gujarat for the
financial year
2005-2006.

4. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of Schedule III hereto annexed amounting in the aggregate to the sum of twenty one hundred fifty nine crores, eighty-three lakhs rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 2006, in respect of the services and purposes specified in column 2 of Schedule III.

Issue of
₹ 5,83,79,23,000
from and out of
the Consolidated
Fund of the
State of
Gujarat for the
financial year
2006-2007.

5. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of Schedule IV hereto annexed amounting in the aggregate to the sum of five hundred eighty three crores, seventy-nine lakhs, twenty-three thousand rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 2007, in respect of the services and purposes specified in column 2 of Schedule IV.

Appropriation.

6. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in Schedule I, Schedule II, Schedule III and Schedule IV in relation to the financial years ending on the thirty-first day of March, 2004, thirty-first day of March, 2005, thirty-first day of March, 2006 and thirty-first day of March, 2007, respectively.

SCHEDULE I

(See sections 2 and 6)

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding(₹ in thousand)		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
4	Animal Husbandry and Dairy Development	Revenue	62,33		62,33
8	Education	Revenue	45,88,33		45,88,33
9	Other Expenditure pertaining to Education Department	Revenue	14,92		14,92
12	Energy Projects	Capital	14,55,23		14,55,23
17	Pensions and Other Retirement Benefits	Revenue	5,42,22		5,42,22
19	Repayment of Debt pertaining to Finance Department and its servicing	Revenue		1,72,01,10	1,72,01,10
22	Food	Revenue	35,93		35,93

41	Home Department	Revenue	13,53		13,53
42	Police	Revenue	9,09,78		9,09,78
49	Industries	Capital	74,62		74,62
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	11,61		11,61
59	Legal Department	Revenue	17,97		17,97
60	Administration of Justice	Revenue		2,06,95	2,06,95
64	Narmada, Water Resources and Water supply Department	Revenue	92		92
66	Irrigation and Soil Conservation	Capital	17,79,91		17,79,91
67	Water Supply	Capital	2,37,00		2,37,00
68	Other Expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue		72,08	72,08
69	Panchayats, Rural Housing and Rural Development Department	Revenue	6,68		6,68

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding(₹ in thousand)		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	24,02,75		24,02,75
78	District Administration	Revenue	3,71,96		3,71,96
80	Dangs District	Revenue	52,63		52,63
84	Non-Residential Buildings	Revenue		6,97	6,97
86	Roads and Bridges	Revenue	1,00,54,22		1,00,54,22
91	Social Justice and Empowerment Department	Revenue	4,28		4,28
105	Women and Child Development Department	Revenue	1,25		1,25
	Total:	Revenue	1,90,91,82	1,74,87,10	3,65,78,92
		Capital	35,46,76	—	35,46,76
	Grand Total:		2,26,38,58	1,74,87,10	4,01,25,68

SCHEDULE II

(See sections 3 and 6)

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding(₹ in thousand)		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
2	Agriculture	Revenue	1,28,12		1,28,12
5	Co-operation	Revenue	29,78		29,78
8	Education	Revenue	84,08,37		84,08,37
12	Energy Projects	Revenue	26,11,34	50,77,71	76,89,05
		Capital		1,18,47,98	1,18,47,98
17	Pensions and Other Retirement Benefits	Revenue	42,62,13		42,62,13
19	Repayment of Debt pertaining to Finance Department and its servicing	Capital		13,30,14,42	13,30,14,42
22	Food	Revenue	35,83		35,83
36	Loans and Advances to Government S...				

40	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	1,57		1,57
43	Jails	Revenue	84,40		84,40
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	13,92		13,92
61	Other Expenditure pertaining to Legal Department	Revenue	7,77		7,77
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	5,87		5,87
66	Irrigation and Soil Conservation	Revenue		6,02	6,02
68	Other Expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue		1,05	1,05
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	16,73,14		16,73,14
		Capital		2,37,01	2,37,01

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding(₹ in thousand)		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
			8,95		8,95
80	Dangs District	Revenue		15,41	15,41
81	Compensation and Assignments	Revenue		2,03	2,03
		Capital			
86	Roads and Bridges	Revenue	97,46,65		97,46,65
88	Other Expenditure pertaining to Roads and Building Department	Revenue	1,19,38		1,19,38
91	Social Justice and Empowerment Department	Revenue	4,84		4,84
96	Tribal Area Sub-Plan	Capital		16,32	16,32
100	Urban Development and Urban Housing Department	Revenue	4		4
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	2		2
	Total:	Revenue	2,84,71,69	51,00,19	3,35,71,88
		Capital	36,78	14,51,17,76	14,51,54,54
	Grand Total:		2,85,08,47	15,02,17,95	17,87,26,42

SCHEDULE III

(See sections 4 and 6)

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding (₹ in thousand)		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	41,05		41,05
7	Education Department	Revenue	6,00		6,00
8	Education	Revenue	1,94,69,62	7,12	1,94,76,74
11	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	12,02		12,02
12	Energy Projects	Capital	16,23,27,72		16,23,27,72
17	Pensions and Other Retirement Benefits	Revenue	1,04,40,36		1,04,40,36
20	Food, Civil Supplies and Consumer Affairs Department	Revenue	39,95		39,95
22	Food	Revenue	94,33		94,33
25	Forests	Revenue	1,86,43		1,86,43
37	Health and Family Welfare Department	Revenue	64,42		64,42
38	Medical and Public Health	Revenue	16,37,00		16,37,00
40	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	4		4
42	Police	Revenue	33,58,72		33,58,72
43	Jails	Revenue	4,33,63		4,33,63
45	State Excise	Revenue	15,62		15,62
46	Other Expenditure pertaining to Home Department	Revenue	6,33		6,33
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	9,35,00	2,89,67	12,24,67
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	10,93		10,93
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	1,11,98		1,11,98

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding(₹ in thousand)		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
66	Irrigation and Soil Conservation	Revenue	12,72,26	51	12,72,77
69	Panchayats, Rural Housing and Rural Development Department	Revenue	15,51		15,51
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	31,26,32		31,26,32
75	Other Expenditure pertaining to Ports and Fisheries Department	Revenue	73		73
77	Tax Collection Charges (Revenue Department)	Revenue	39,14		39,14
78	District Administration	Revenue	12,43		12,43
79	Relief on account of Natural Calamities	Revenue	3,18,02		3,18,02
84	Non-Residential Buildings	Revenue		8	8
86	Roads and Bridges	Revenue	95,10,55		95,10,55
		Capital	15,78,75	1	15,78,76
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	55,91	23,38	79,29
90	Other Expenditure pertaining to Science and Technology Department	Revenue	1,96,80		1,96,80
91	Social Justice and Empowerment Department	Revenue	5,82		5,82
92	Social Security and Welfare	Revenue	59,75		59,75
96	Tribal Area Sub-Plan	Revenue	2,34,37		2,34,37
100	Urban Development and Urban Housing Department	Revenue	6		6
102	Urban Development	Revenue	15,14		15,14
		Capital	13,45		13,45
103	Compensations, Assignments and Tax Collection Charges	Revenue	16,05		16,05
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	2		2
	Total:	Revenue	5,17,42,31	3,20,76	5,20,63,07
		Capital	16,39,19,92	1	16,39,19,93
	Grand Total:		21,56,62,23	3,20,77	21,59,83,00

SCHEDULE IV

(See sections 5 and 6)

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding(₹ in thousand)		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	31,68		31,68
5	Co-operation	Revenue	3,20,81		3,20,81
8	Education Department	Revenue	15,05		15,05
9	Education	Revenue	3,34,46,39		3,34,46,39
12	Tax Collection Charges(Energy and Petro- Chemicals Department)	Revenue	8,79		8,79
15	Finance Department	Revenue	91		91
18	Pensions and Other Retirement Benefits	Revenue	80,12,86	1,33	80,14,19
21	Food, Civil Supplies and				

25	Department	Revenue	7,53		7,53
26	Forests	Revenue	1,48,79		1,48,79
		Capital	83,10		83,10
32	Public Service Commission	Revenue		17,66	17,66
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	1,71		1,71
38	Health and Family Welfare Department	Revenue	27,93		27,93
39	Medical and Public Health	Revenue	25,76,98		25,76,98
41	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	3,28		3,28
		Capital	63,55		63,55
43	Police	Revenue	32,98,77		32,98,77
44	Jails	Revenue	2,04,17		2,04,17
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	11,32		11,32
57	Labour and Employment	Revenue	79,32		79,32

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding(₹ in thousand)		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
61	Other Expenditure pertaining to Legal Department	Revenue	38,79		38,79
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	49,71		49,71
66	Irrigation and Soil Conservation	Revenue	10,27,26		10,27,26
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue		18,47	18,47
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	33,05,97		33,05,97
74	Transport	Revenue	1,90		1,90
		Capital	18,00,00		18,00,00
77	Tax Collection Charges(Revenue Department)	Revenue	3,77,03		3,77,03
78	District Administration	Revenue	9,98,29		9,98,29
80	Dangs District	Revenue	45,20		45,20
81	Compensations, Assignments	Revenue	9,08		9,08
84	Non-Residential Buildings	Revenue	1,86,51		1,86,51
86	Roads and Bridges	Revenue	15,88,19		15,88,19
87	Gujarat Capital Construction Scheme	Capital	3,36,52		3,36,52
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	1,55,22		1,55,22
91	Social Justice and Empowerment Department	Revenue	12,42		12,42
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	7		7
	Total:	Revenue	5,60,56,89	37,46	5,60,94,35
		Capital	22,84,88	—	22,84,88
	Grand Total:		5,83,41,77	37,46	5,83,79,23

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 205 of the Constitution of India read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the excess expenditure incurred on certain services and purposes,-

- (1) during the financial year ending on the thirty-first day of March, 2004.

The amounts are shown below:

₹

(a) Revenue Account	3,65,78,92,000
(b) Capital Account	35,46,76,000

Total: 4,01,25,68,000

- (2) during the financial year ending on the thirty-first day of March, 2005.

(a) Revenue Account	3,35,71,88,000
(b) Capital Account	14,51,54,54,000

Total: 17,87,26,42,000

- (3) during the financial year ending on the thirty-first day of March, 2006.

The amounts are shown below:

₹

(a) Revenue Account	5,20,63,07,000
(b) Capital Account	16,39,19,93,000

Total: 21,59,83,00,000

(4) during the financial year ending on the thirty-first day of March, 2007.

The amounts are shown below:

₹

(a) Revenue Account	5,60,94,35,000
(b) Capital Account	22,84,88,000
Total:	5,83,79,23,000

Dated the 29th March, 2016.

SAURABH PATEL.

By order and in the name of Governor of Gujarat,

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,
Dated the 29th March, 2016.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

THE GUJARAT PROVISION FOR DISQUALIFICATION OF MEMBERS OF LOCAL AUTHORITIES FOR DEFECTION (AMENDMENT) BILL, 2016

GUJARAT BILL NO. 31 OF 2016.

A BILL

*further to amend the Gujarat Provision for Disqualification of Members
of Local Authorities for Defection Act, 1986.*

It is hereby enacted in the Sixty-seventh Year of the Republic of India
as follows:-

- (1) This Act may be called the Gujarat Provision for Short title and
Disqualification of Members of Local Authorities for Defection commencement.
(Amendment) Act, 2016.

(2) It shall come into force at once.

Amendment
of section 6
of Guj. 23 of
1986.

2. In the Gujarat Provision for Disqualification of Members of Local Authorities for Defection Act, 1986 (hereinafter referred to as "the principal Act"), in section 6, after the words "in this behalf", the words "or to such retired officer who, at the time of his retirement was holding the post not below the rank of a Secretary to the Government as may be appointed by the State Government in this behalf" shall be inserted.

Guj. 23 of 1986.

Amendment
of section 7
of Guj. 23 of
1986.

3. In the principal Act, in section 7, -

- (i) after the words "in this behalf", the words "or a retired officer who, at the time of his retirement was holding the post not below the rank of a Secretary to the Government" shall be inserted;
- (ii) for the words "Chief Secretary or the designated officer", the words "Chief Secretary, the designated officer or the retired officer" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Provision for Disqualification of Members of Local Authorities for Defection Act, 1986 to provide for disqualification of members and councillors of the Local Authorities on ground of defection and for matters connected therewith. Section 6 of the said Act *inter alia* provides that question relating to disqualification of a councillor or a member as the case may be, of any local authority shall be referred to the Chief Secretary or to such officer not below the rank of a Secretary of any Department of the State Government as may be designated by the State Government in this behalf.

It has been found in this connection that the officers who hold the post not below the rank of a Secretary to whom the question relating to disqualification is referred take a long time to render their decision in the matter as they are over loaded with the functions of their respective department. It is necessary that the decision relating to disqualification

the situation the State Government has thought it fit to appoint the retired officers who at the time of their retirement were holding the post not below the rank of a Secretary who can also deal with and decide the matter relating to disqualification. It is, therefore, considered necessary to amend section 6 of the said Act suitably. Consequential amendment is also carried out in section 7 of the said Act.

This Bill seeks to amend the said Act to achieve the aforesaid object.

Dated 16th August, 2016.

JAYANTIBHAI KAVADIA,

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 16th August, 2016

C. J. Gothi,
Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

THE GUJARAT COURT-FEES (AMENDMENT) BILL, 2016.

GUJARAT BILL NO. 32 OF 2016.

A BILL

further to amend the Gujarat Court-fees Act, 2004.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Court-fees (Amendment) Act, 2016. Short title and commencement.

(2) It shall come into force at once.

Guj. 4 of 2004.

2. In the Gujarat Court-fees Act, 2004, section 32 shall be deleted.

Deletion of section 32 of Guj. 4 of 2004.

STATEMENT OF OBJECTS AND REASONS

Section 32 of the Gujarat Court-fees Act, 2004 empowers the High Court to make rules with regard to the matters relating to the fees chargeable for serving and executing processes issued by the courts including the revenue courts. The said section 32 also provides that until such rules are made by the High Court, such fees being levied at present shall continue to be levied and shall be deemed to be the fees leviable under the said Act.

It is noticed that several litigants do not pay the process server fees in due time resulting into non-service of process of the court. The court cases, therefore, remain pending till the process server fees are paid by the litigants and processes of the courts are served. This results in piling of cases in the courts. To obviate this situation so that the burden of the courts is lessened and the matters in the courts are disposed of expeditiously, it is considered necessary to do away with the provisions of section 32 of the said Act. The effect of deletion of section 32 would be that the fees chargeable for serving and executing processes which is, at present, being levied in the same manner as was levied prior to coming into force of the said Act shall not be leviable henceforthwith.

This Bill seeks to amend the said Act to achieve the aforesaid object.

Dated the 16th August, 2016.

PRADEEPSINH JADEJA,

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 16th August, 2016

C. J. Gothi,
Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

THE GUJARAT PROFESSIONAL MEDICAL EDUCATIONAL COLLEGES OR INSTITUTIONS (REGULATION OF ADMISSION AND FIXATION OF FEES) (AMENDMENT)

BILL, 2016.

GUJARAT BILL NO. 33 OF 2016

A BILL

*further to amend the Gujarat Professional Medical Educational Colleges or
Institutions (Regulation of Admission and Fixation of Fees)
Act, 2007.*

It is hereby enacted in the Sixty-seventh Year of the Republic of
India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Act, 2016.

(2) This section and sections 3 and 4 shall come into force at once and section 2 shall be deemed to have come into force on the 10th June, 2016.

Amendment of section 2 of Guj. 3 of 2008.

2. In the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (hereinafter referred to as "the principal Act"), in section 2, in clause (i), the words "or the dependents for the education purpose" shall be deleted.

Amendment of section 10 of Guj. 3 of 2008.

3. In the principal Act, in section 10, to sub-section (3), the following proviso shall be inserted, namely:-

"Provided that the Fee Regulatory Committee may determine different fee for three consecutive academic years at a time and may also determine different fee for each of the years of the duration of the professional course to which a student is admitted."

Repeal and Savings.

4. (1) The Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Ordinance, 2016 is hereby repealed. **Guj. Ord. 2 of 2016.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act. **Guj. 3 of 2008.**

STATEMENT OF OBJECTS AND REASONS

The Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 provides for seventy-five per cent. Government seats and twenty-five per cent. Management seats which include fifteen per cent. Non-Resident Indian (NRI) seats for the purpose of admission into the Professional Medical Educational Colleges or Institutions.

It was experienced that in so far as the NRI seats were concerned, the benefit of the said seats was not fully taken by the NRIs and that most of the seats were filled in by those who were dependents of such NRIs. As such it was felt that the purpose for which the NRI seats were earmarked was not fully served. In view of this, as the Gujarat Legislative Assembly was not in session at that time, the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Ordinance, 2016 was promulgated by Hon'ble the Governor to do away altogether with the NRI seats. The said Ordinance was challenged before the High Court of Gujarat in SCA No. 9915 of 2016 and others and the High Court, while partly allowing the petition, vide its judgment rendered on 16th August, 2016 has set aside the said Ordinance to the extent of genuine children and wards of the Non-Resident Indians and has made it clear that the same shall not apply either to the NRI dependent or NRI sponsored.

consider the dependents of NRI for admissions on NRI seats and accordingly the definition of the term "Non-Resident Indian Seats" is proposed to be amended suitably.

An opportunity is also taken to revise the existing powers of the Fee Regulatory Committee as provided in section 10 of the said Act thereby empowering the Fee Regulatory Committee to determine different fee for three consecutive academic years at a time as also to determine different fee for each of the years of the duration of the professional course to which a student is admitted and for the same sub-section (3) of section 10 is proposed to be amended accordingly.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Dated the 16th August, 2016.

SHANKAR CHAUDHARY,

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 16th August, 2016

C. J. Gothi,

Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department.